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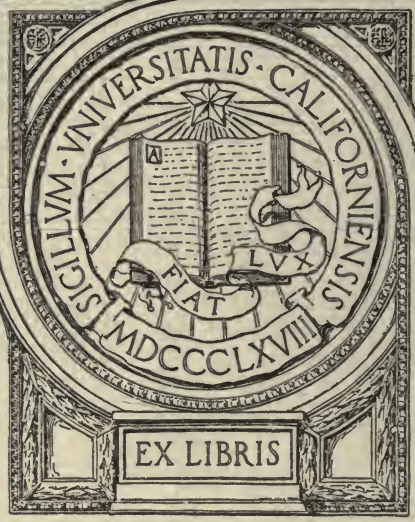

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The Commonwealth of Massachusetts.

LAWS

RELATING TO

PRIMARIES, CAUCUSES AND ELECTIONS.

[Chapter 835, Acts of 1913.]

PREPARED BY THE

SECRETARY OF THE COMMONWEALTH.

BOSTON:
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
32 DERNE STREET.
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The copies of this pamphlet which are furnished to city, town and other officers are for their official use, and should be carefully preserved by them and transmitted to their successors in office so long as the laws contained in the pamphlet remain in force.

UNIV. OF
CALIFORNIA

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LAWS

RELATING TO

PRIMARIES, CAUCUSES AND ELECTIONS.

Chapter 835, Acts of 1913.

AN ACT TO CODIFY THE LAWS RELATIVE TO PRIMARIES, CAUCUSES AND ELECTIONS.

Be it enacted, etc., as follows:

PART I.

General Provisions.

SECTION 1. Terms used in this act and in statutes relative to primaries, caucuses or elections shall be construed as follows, unless other meaning is clearly apparent from language or context, or unless such construction is inconsistent with the manifest intent of the legislature:

Certain terms defined. 1907, 560 § 1, 314. 1911, 550, § 1. 1912, 398, §§ 1, 2.

"Aldermen" shall include the boards or officials having the powers of aldermen in a city which does not have a board of aldermen.

"Assessors" shall mean the assessors of taxes of a city or town.

"Caucus" shall apply to any public meeting of the voters of a precinct, ward, or town, held under the provisions of this act relating to caucuses.

"Caucus officers" shall apply to chairmen, wardens, secretaries, clerks and inspectors, and, when on duty, to additional officers appointed or elected, or elected to fill a vacancy, and taking part in the conduct of caucuses.

"City election" shall apply to any election held in a city for the choice of a city officer by the voters whether for a full term or for the filling of a vacancy.

"City officer" shall apply to any person to be chosen by the voters at a city election.

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Certain terms defined.

"Convention" shall apply only to a meeting of delegates duly chosen in primaries or caucuses, representing two or more subdivisions of the district for which the convention is held.

"Election" shall apply to the taking of a vote upon a proposed amendment to the constitution; upon the question of granting licenses for the sale of intoxicating liquors; and upon any other question by law submitted to the voters.

"Election officer" shall apply to wardens, clerks, inspectors and ballot clerks, and to their deputies when on duty, and also to selectmen, town clerks, moderators and tellers when taking part in the conduct of elections.

"Elective office" shall apply to any office to be filled by the voters at any state, city or town election.

"Municipal party" shall apply to a party other than a political party which at the preceding city or town election polled for mayor or a selectman at least three per cent of the entire vote cast in the city or town for that office or, in a city, which files with the city clerk, at least sixty days before the annual municipal election, a petition to be allowed to place nominations of such party on the official ballot, which petition is signed in person by a number of registered voters of the city equal to at least three per cent of the entire vote polled in the city for mayor at the preceding election, and so far as municipal elections are concerned, such a party shall also be deemed a political party within the meaning of this act; but the term "municipal party" shall be used only with reference to primaries or caucuses for the nomination of city or town officers.

"Official ballot" shall mean a ballot prepared for any primary, caucus or election by public authority and at public expense.

"Political committee", under the provisions of this act relative to corrupt practices, shall apply to every committee or combination of three or more persons who shall aid or promote the success or defeat of a political party or principle in a public election or shall aid or take part in the nomination, election or defeat of a candidate for public office. The term "Political committee" otherwise shall apply only to a committee elected in pursuance of this act.

"Political convention" shall apply only to a convention called and held in pursuance of this act.

"Political party" shall apply to a party which at the preceding annual state election polled for governor at least

three per cent of the entire vote cast in the commonwealth for that office, but when a candidate for governor receives two or more nominations for that office, "political party" shall for the purpose of determining the status of the parties making such nominations be defined as a political party which at the preceding primary held for the nomination of candidates for state offices nominated such candidate and polled for nomination for governor at least three per cent of the entire vote cast in said primary in the commonwealth for nomination for that office. Certain terms defined.

"Polling place" shall apply to a room or place provided by a city or town for a primary, caucus or election.

"Presiding officer" shall apply to the warden or chairman at a caucus, to the warden, chairman of the selectmen, moderator, moderator pro tempore or town clerk in charge of a polling place at a primary or election, or to a justice of the peace acting as moderator at a town meeting; or, in the absence of any such officer, to the deputy warden or the clerk or senior inspector or senior selectmen present who shall have charge of a polling place.

"Primary" shall apply to a joint meeting of political or municipal parties held under the provisions of this act relating to primaries.

"Primary officers" shall apply to all election officers when taking part in the conduct of primaries.

"Registrars" shall mean the board of registrars of voters of a city or town or the board of election commissioners of the city of Boston, when applicable.

"State election" shall apply to any election held for the choice of a national, state, district or county officer by the voters, whether for a full term, or for the filling of a vacancy.

"State officer" shall apply to any person to be chosen at a state election.

"Town election" shall apply to any meeting held for the election of town officers by the voters, whether for a full term or for the filling of a vacancy.

"Town elections or meetings at which official ballots are used" shall be construed to mean town elections or meetings in towns to which section four hundred and thirty-two applies.

"Town officer" shall apply to any person to be chosen at a town meeting.

"Two leading political parties" shall apply to the political parties which elect the highest and next highest number

of members of the general court at the preceding annual state election.

"Voter" shall mean a registered male voter.

Results of elections, how determined. 1907, 560, § 2.

SECTION 2. In all elections of civil officers by the people, the person receiving the highest number of votes for an office shall be deemed and declared to be elected to such office; and if two or more persons are to be elected to the same office, the several persons, to the number to be chosen to such office, receiving the highest number of votes, shall be deemed and declared to be elected; but persons receiving the same number of votes shall not be deemed to be elected if thereby a greater number would be elected than are by law to be chosen.

Elections in cities to be on Tuesdays. 1907, 560, § 3.

SECTION 3. All elections in cities which by charter or statute are to be held on a Monday, shall be held on the Tuesday next succeeding such Monday.

Time, how computed in election laws. 1907, 560 § 4. 1910, 44.

SECTION 4. In computing the period of time prescribed in any statute relating to primaries, caucuses or elections, Sundays and holidays shall generally be included; but when the last day of such period falls on a Sunday or on a holiday, the succeeding day shall be considered the final day of such period; and when the first day of such period falls on a Sunday or on a holiday, the day preceding shall be considered the first day of the period. Whenever the day of the week designated for a primary, caucus or election falls upon a holiday, said primary, caucus or election shall be held on the day succeeding said holiday.

Time to be allowed for voting of employees. 1907, 560, § 5.

SECTION 5. No person entitled to vote at an election shall, upon the day of any such election, be employed in any manufacturing, mechanical or mercantile establishment during the period of two hours after the opening of the polls in the voting precinct, ward or town in which he is entitled to vote, if he shall make application for leave of absence during such period.

Sale, etc., of intoxicating liquors on election days. 1907, 560, § 6.

SECTION 6. No common victualler having a license of the first, second or third class for the sale of intoxicating liquors and no person, other than a wholesale druggist, having a license therefor of the fourth or fifth class shall sell, give away or deliver on the licensed premises any such liquors on the day on which a state, city or annual town election is held in the city or town in which such premises are situated; and no innkeeper having a license for the sale of intoxicating liquors shall, on the day of any such election, sell, give away or deliver in his inn any such liquors

to other than persons who have resorted to his inn for food or lodging; but the provisions of this section shall not apply, in case of an election held in a city on a day other than that of the annual city election therein, to wards in which no election is held.

Posting of lists, notices, etc. 1907, 560, § 7.

SECTION 7. All lists, notices and copies of laws relating to primaries or elections, required by law to be posted, shall be posted at the places in which the voting lists are required by law to be posted, or as near as may be thereto.

Election commissioners in Boston, powers and duties. 1907, 560, § 8.

SECTION 8. All the powers and duties relating to primaries or elections by law vested in and imposed upon the mayor and aldermen or either of them, the city clerk or the board of registrars of voters in cities, excepting the power and duty of giving notice of elections, and fixing the days and hours of holding the same, shall, in the city of Boston, be vested in and performed by the board of election commissioners of said city, who shall be subject to all penalties prescribed for failure to perform the said duties.

Ballot boxes, etc., regulation as to use. 1907, 560, § 9.

SECTION 9. The board of aldermen of a city, in Boston the election commissioners, or the selectmen of a town may make regulations not inconsistent with the provisions of this act relative to the use of ballot boxes and seals, counting and other apparatus, the receiving of ballots and the counting and returning of votes.

Registration, etc., to be deemed regular in criminal prosecution. 1907, 560, § 10.

SECTION 10. If, in a criminal prosecution for the violation of any law relating to the assessment, qualification or registration of voters, or to voting lists or ballots or matters pertaining thereto, the defendant relies upon the invalidity, informality or irregularity of such assessment, qualification or registration, or of such voting lists or ballots, or matters pertaining thereto, he shall prove such invalidity, irregularity or informality; and until such proof, the presumption shall be that such assessment, qualification or registration, or such voting lists or ballots or matters pertaining thereto, are valid, formal and regular, and in accordance with law; but the validity, regularity or formality of such assessment, qualification or registration of voters, or of such voting lists or ballots, or matters pertaining thereto, may also be proved in any other legal manner.

Primary, caucus or election to be deemed regular in criminal prosecution. 1907, 560, § 11.

SECTION 11. If, in a criminal prosecution for the violation of any law relating to primaries, caucuses or elections or matters pertaining thereto, the defendant relies upon the invalidity, irregularity or informality of any primary, caucus or election, or upon the failure or neglect of any officer

or person to do any act in relation to any primary, caucus or election or matters pertaining thereto, he shall prove such invalidity, irregularity, informality, failure or neglect; and until such proof, the presumption shall be that such primary, caucus or election or matters pertaining thereto were valid, regular and formal and that such officer or person acted as prescribed by law. The testimony of the clerk of the city or town, or in Boston the election commissioners, wherein it is alleged that such election was held, or of the presiding officer, secretary or clerk of such primary or caucus, that such primary, caucus or election was actually held, shall be prima facie evidence that the same was regularly and duly held; but the validity, regularity or formality of such primary, caucus or election or matters pertaining thereto may also be proved in any other legal manner.

Qualifications of Voters.

Qualifications of male voters. 1907, 560, § 12.

SECTION 12. Every male citizen of twenty-one years of age or upwards, not being a pauper or person under guardianship, who is able to read the constitution of the commonwealth in the English language and to write his name, and who has resided within the commonwealth one year and within the city or town in which he claims a right to vote, six calendar months last preceding a state, city or town election, may have his name entered upon the list of voters in such city or town, and shall have the right to vote therein in any such election or in any meeting held for the transaction of town affairs upon complying with the requirements hereinafter set forth; and, except as above provided, no male person shall have his name entered upon the list of voters or have the right to vote, except that no person who is prevented from reading or writing as aforesaid by a physical disability, or who had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, shall, if otherwise qualified, be deprived of the right to vote by reason of not being able so to read or write; and no person who, having served in the army or navy of the United States in the time of war, has been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town; and further, no person, otherwise qualified to vote for national or state officers shall, by reason of a change of residence within the commonwealth, be disqualified from voting for such officers

Certain persons not to be disqualified.

in the city or town from which he has removed his residence until the expiration of six calendar months from the time of such removal.

Qualifications of female voters. 1907, 560, § 13.

SECTION 13. Every female citizen having the qualifications of a male voter required by the preceding section may have her name entered upon the list of voters for school committee, and shall have the right to vote for members of the school committee upon complying with the requirements hereinafter set forth.

Place of registration and voting. 1907, 560, § 14. 1909, 440, § 2.

SECTION 14. A person qualified to vote in a city or town divided into wards or voting precincts shall be registered and be entitled to vote in the ward or voting precinct in which he resided on the first day of April preceding the election, or, if he became an inhabitant of such city or town after such first day of April, in the ward or voting precinct in which he first became a resident.

Assessment of Poll Taxes and Lists of Persons Assessed.

Assessors to make lists of male persons liable to a poll tax. 1907, 560, § 15. 1909, 344, § 1, 440, §§ 2, 5.

SECTION 15. The assessors, assistant assessors, or one or more of them, shall annually, in April or May, visit every building in their respective cities and towns and, after diligent inquiry, shall make true lists containing, as nearly as they can ascertain, the name, age, occupation and residence, on the first day of April in the current year, and the residence on the first day of April in the preceding year, of every male person twenty years of age or upwards, residing in their respective cities and towns, liable to be assessed for a poll tax; and, except in Boston, shall inquire at the residences of the women voters whose names are contained in the list transmitted to them by the registrars under the provisions of section forty-four whether such women voters are resident thereat, and shall thereupon make true lists of the women voters found by them.

To make lists of women voters.

Inmates of Soldiers' Home may be assessed and vote in Chelsea.

Any inmate of the Soldiers' Home in the city of Chelsea shall have the same right as any other resident of that city to be assessed and to vote therein.

Assessors to correct errors and supply omissions.

The assessors shall, upon the personal application of an assessed person for the correction of any error in their original lists, and whenever informed of any such error, make due investigation, and, upon proof thereof, correct the same on their books. When informed of the omission of the name of a person who is averred to have lived in the city or town on the first day of April in the current year, and to have

been assessed there in the preceding year, they shall make due investigation, and, upon proof thereof, supply the omission on their books, and, except in Boston, give immediate notice thereof to the registrars of voters. They shall cause all applications, certificates and affidavits received by them under this section to be preserved for two years.

Applications, etc., to be preserved for two years, etc.

Except in Boston to transmit to registrars and collectors, lists, etc. 1907, 560, § 16.

SECTION 16. The assessors, except in Boston, shall from time to time, and before the fifteenth day of June in each year, transmit to the registrars of voters the lists made as provided in the preceding section, or certified copies thereof, and shall promptly transmit to the registrars and to the collector of taxes notice of every addition to and correction in the lists made by them. Every assessor, assistant assessor and collector of taxes shall furnish all information in his possession necessary to aid the registrars in the performance of their duties.

Assessors of cities, except Boston, and certain towns to prepare street lists, etc. 1907, 560, § 17. 1909, 492.

SECTION 17. The assessors of cities, except in Boston, shall, on or before the fifteenth day of June in each year, and the assessors of towns having over five thousand inhabitants according to the latest census, state or national, shall, on or before the first day of July in each year, prepare street lists containing the names of all persons assessed by them for poll taxes for the current year. Such lists for cities and for towns divided into voting precincts shall be arranged by voting precincts. They shall print such lists in pamphlet form, shall deliver to the registrars as many copies thereof as they may require, and shall hold the remaining copies for public distribution. In all other towns they shall, on or before the first day of July in each year, cause lists of all persons assessed therein for poll taxes to be prepared and conspicuously posted in two or more public places in every such town. In towns not divided into voting precincts such lists may be arranged alphabetically, according to the names of the persons on the list, or by streets.

Lists of assessed polls to be posted in certain towns.

May be arranged alphabetically in certain towns.

Form and contents of street lists. 1907, 560, § 18. 1909, 440, § 2.

SECTION 18. Except in Boston, the assessors shall name or designate in such street lists all buildings used as residences, in their order on the street where they are located, by giving the number or other definite description of each building so that it can be readily identified, and shall place opposite to or under each number or other description of a building the name, age and occupation of every person residing therein on the first day of April of the current year and assessed for a poll tax, and his residence on the first day of April of the preceding year.

Assessment of persons not previously assessed. 1907, 560, § 19. 1909, 440, § 2.

SECTION 19. If a male person resident in a city or town, except Boston, on the first day of April was not assessed for a poll tax, he shall, in order to establish his right to assessment, present to the assessors before the close of registration a statement under oath that he was on said day a resident of such city or town and liable to pay a poll tax therein, and a list under oath of his polls and estate and shall also produce before the assessors two witnesses, who shall testify, under oath, that they are voters of the ward or town in which such person desires to be registered and that the statement of the applicant is true.

Certain persons desiring to be registered to present a statement to assessors, etc.

A male person who becomes a resident of a city or town, except Boston, after the first day of April and desires to be registered as a voter shall present to the assessors a statement under oath that he has been a resident of such city or town for six months immediately preceding the election at which he claims the right to vote, and shall produce before the assessors two witnesses, who shall testify under oath that they are voters of the ward or town in which such person desires to be registered and that the statement of the applicant is true. If the assessors are satisfied that such statement is true, they shall, in the first case, assess such applicant for his polls and estate and give him a certificate of assessment, and in the second, give him a certificate that he has been a resident in such city or town the six months preceding such election, and forthwith notify the registrars of voters of the city or town, if in this commonwealth, where such person resided on the first of April, that they have given such certificate.

Records to be kept. 1907, 560, § 20.

SECTION 20. The assessors, except in Boston, shall enter the name and residence of each person thus assessed or certified in a book provided for that purpose, and opposite to each name, the names, occupations and residences of the persons who have testified as above provided.

Copies of sections prescribing penalties to be posted.

In every place where voters are registered, the registrars, in Boston the election commissioners, and in every place where oaths are administered as required by this act the assessors, shall post in a conspicuous place a copy of sections four hundred and sixty and four hundred and sixty-two printed on white paper with black ink, in type not less than one quarter of an inch wide.

Sessions of assessors. 1907, 560, § 21.

SECTION 21. The assessors shall hold such day and such evening sessions as shall be necessary to carry out the provisions of the two preceding sections.

Assessments to be subject to R. L. 12, § 74. 1907, 560, § 22.

SECTION 22. All assessments made in accordance with section nineteen shall be subject to the provisions of section seventy-four of chapter twelve of the Revised Laws and shall be entered in the tax list of the collector of taxes and be collected by him according to law.

Names, etc., of certain persons to be sent to registrars or election commissioners. 1907, 560, § 23.

SECTION 23. The city or town clerk or registrar of deaths in each city or town shall, on the first day of every month, and also two days before every election, transmit to the registrars of voters a list of the names of all residents of such city or town of twenty-one years of age or upwards who died in the preceding month or since the date of the list previously transmitted, with a statement of the ward, street and number therein, if any, where such person resided at his death. The prison commissioners of Massachusetts, the penal institutions commissioner of Boston, the pauper institutions trustees of Boston, and the insane hospital trustees of Boston shall, ten days before every state election in Boston, transmit to the election commissioners of Boston the names of all male persons of twenty-one years of age or upwards who had a last known residence in Boston, and also ten days before every city election in that city, the names of all male and female persons of said age or upwards who had such residence and who, at said respective dates, are inmates of the institutions under their charge, respectively, except those whose terms of confinement expire before the date of such election. Such commissioners and trustees shall make diligent inquiry as to the age and residence of inmates of such institutions, and shall, in the case of those coming within the provisions of this section, transmit to the election commissioners the names and ages of such persons and their residences by street and number, wherever it is possible to do so. The election commissioners shall thereupon make a memorandum in red ink opposite the names of such of said persons as appear upon the voting lists, stating the institutions in which such persons are then confined, and copies of the voting lists containing such memoranda shall forthwith be sent by them to the election officers.

Registrars of Voters.

Registrars in certain cities, appointment, term of office, etc. 1907, 560, § 24. 1909, 440, § 6.

SECTION 24. In every city, except Boston, which, by vote of the city council, approved by the mayor, accepts the provisions of this section, or which has accepted the corresponding provisions of earlier laws, or which is now

subject to similar provisions of law, there shall be a board of registrars of voters consisting of four persons who shall be appointed by the mayor with the approval of the board of aldermen. When a board of registrars is first appointed after the acceptance of the provisions aforesaid, two registrars shall be appointed in February or March next succeeding such acceptance for terms respectively of three and four years, beginning with the first day of April next ensuing. The city clerk of such city shall cease to be a member of the board of registrars on such first day of April, but the remaining two members of the existing board of registrars of such city whose terms do not then expire shall continue to hold office for their respective terms of one and two years. In every year succeeding such first appointments, the mayor shall, in February or March, subject to the approval of the board of aldermen, appoint one person to be a registrar of voters for the term of four years, beginning with the first day of April next ensuing. The board of registrars so constituted shall annually in April before transacting any other business, elect one of its members as clerk, who shall perform all the duties required by law of a city clerk when acting as clerk of the board of registrars.

City clerk to cease to be a member, etc.

Clerk to be elected.

SECTION 25. In every city except Boston which has not accepted the provisions of the preceding section or of corresponding provisions of earlier laws, and is not now subject to similar provisions of law, and in every town having three hundred voters, as provided in the following section, there shall be a board of registrars of voters consisting of the city or town clerk and three other persons who shall, in a city, be appointed by the mayor, with the approval of the aldermen, and in a town, by a writing signed by the selectmen and filed with the town clerk. When a board of registrars is first appointed, the registrars shall be appointed in February or March for terms respectively of one, two and three years, beginning with the first day of April next ensuing. In February or March in every year succeeding the original appointment, one registrar shall be appointed for the term of three years, beginning with the first day of April next ensuing.

Registrars in certain cities and towns, appointment, term of office, etc. 1907, 560, § 25. 1909, 440, §§ 2, 6.

SECTION 26. In every town having less than three hundred voters registered therein for the annual state election, the selectmen and the town clerk shall constitute a board of registrars of voters; but when three hundred voters shall be so registered, a board of registrars shall, in the succeeding

Registrars in small towns. 1907, 560, § 26. 1909, 440, § 2.

year be appointed, as provided in the preceding section, and shall continue to perform the duties of registration therein until, for three successive years, the number of voters shall be less than three hundred, whereupon, on the first day of April following the annual state election in such third year, such board shall cease to exist and thereafter the selectmen and town clerk shall constitute a board of registrars of voters.

Registrars, political representation. 1907, 560, § 27.

SECTION 27. In the original and in each succeeding appointment and in the filling of vacancies, registrars of voters shall be so appointed that the members of the board shall, as equally as may be, represent the two leading political parties at the preceding annual state elect on, and in no case shall an appointment be so made as to cause a board to consist of more than two members who, including the city or town clerk, are of the same political party.

Equal representation to be preserved. 1907, 560, § 28.

SECTION 28. If, upon written complaint to the mayor or to the selectmen, it shall appear, after notice and hearing, that the city or town clerk, when a member of the board of registrars, and two registrars are of the same political party, the mayor or selectmen, as the case may be, shall remove from office the one of such two registrars having the shorter term. If, upon like proceedings, it shall appear, after notice and hearing, that a registrar of voters, other than the city or town clerk, has ceased to act with the political party which he was appointed to represent, the mayor or selectmen, as the case may be, shall remove him from office.

Temporary vacancies. 1907, 560, § 29.

SECTION 29. If a member of the board of registrars shall be disabled by illness or other cause from performing the duties of his office, or shall, at the time of any meeting of said board, be absent from the city or town, the mayor or selectmen may, upon the request in writing of a majority of the remaining members of the board, appoint in writing some person to fill such temporary vacancy, who shall be of the same political party as the member whose position he is appointed to fill. Such temporary registrar shall perform the duties and be subject to the requirements and penalties provided by law for a registrar of voters.

Registrars, oath of office, compensation, etc. 1907, 560, § 30.

SECTION 30. The registrars and assistant registrars herein provided for shall, before entering upon their official duties, each take and subscribe an oath faithfully to perform the same. They shall receive such compensation for their services as the city council or selectmen may determine; but such compensation shall not be regulated by the number

of names registered by them, and a reduction of compensation shall apply only to registrars appointed thereafter. The city council or selectmen shall provide office room for the registrars, and such aid as they may need. The city or town clerk, when a member of the board of registrars, shall act as clerk thereof, shall keep a full and accurate record of its proceedings and shall cause such notices as the registrars may require to be properly served or posted.

Office room, etc., to be provided.

SECTION 31. Each registrar shall, unless sooner removed, hold his office for the term for which he is appointed and until his successor is appointed and qualified.

Registrars, term of office. 1907, 560, § 31.

SECTION 32. A city council, except in the city of Boston, may authorize the registrars to appoint assistant registrars for the term of one year, beginning with the first day of October, unless sooner removed by the registrars, and they shall, as nearly as may be, equally represent the different political parties.

Assistant registrars in cities, except Boston, appointment, etc. 1907, 560, § 32.

SECTION 33. The registrars in a city authorizing the appointment of assistant registrars may cause the duties devolving upon a single registrar to be performed by one or two assistant registrars, and they may designate two assistant registrars, so far as practicable of different political parties, for the sessions required by law to be held outside of their principal office. The registrars shall make suitable regulations for the government of the assistant registrars, whose doings shall be subject to their revision and acceptance. Assistant registrars shall be subject to the same obligations and penalties as registrars. Registrars may remove an assistant registrar, and may fill any vacancy in the number of assistant registrars for the remainder of the term.

Powers and duties, etc. 1907, 560, § 33.

Registrars to make regulations, etc.

SECTION 34. No person shall be appointed a registrar or assistant registrar who is not a voter of the city or town for which he is appointed, who holds an office by election or appointment under the government of the United States or of the commonwealth, except as a justice of the peace, notary public, or an officer of the state militia, or who holds an office in the city or town for which he is appointed either by election or by direct appointment of the mayor or of the selectmen. The acceptance by a registrar or assistant registrar of an office which he is prohibited from holding shall vacate his office as registrar or assistant registrar.

Registrars, etc., not to hold other office. 1907, 560, § 34.

Registration of Voters.

Rooms for registration. 1907, 560, § 35.

SECTION 35. Every city and town shall provide the registrars with suitable rooms in which to hold their official sessions.

Sessions of registrars. 1907, 560, § 36.

SECTION 36. The registrars shall hold such day and such evening sessions as the town by a by-law or the city by an ordinance shall prescribe, and such other sessions as they deem necessary.

Sessions before primaries.

They shall hold at least one session at some suitable and convenient place in every city or town on or before the Saturday last preceding a primary, except a primary preceding a special election, to give an opportunity to qualified voters to register.

Sessions in cities.

In cities, they shall hold a continuous session from twelve o'clock noon until ten o'clock in the evening on the twentieth day preceding the annual state election, and a like continuous session on the twentieth day preceding the annual city election.

Sessions in towns.

In towns, they shall hold a continuous session from twelve o'clock noon until ten o'clock in the evening on the Saturday last but one preceding the annual state election, and a like continuous session on the Saturday last but one preceding the annual town meeting. In towns divided into voting precincts they shall, not more than twenty days before the annual state election and also not more than twenty days before the annual town meeting, but in each case on or before the last day fixed for registration, hold at least one session at some suitable place within the limits of each voting precinct. In towns not divided into voting precincts, they shall, not more than twenty days before the annual state election and also not more than twenty days before the annual town meeting, but in each case on or before the last day fixed for registration, hold sessions in one or more suitable places. If, in any such town ten or more voters residing in or near a village or locality distant two or more miles from the usual place of registration shall, not less than eighteen days before the annual state election or the annual town meeting, file a petition with the town clerk stating that in such village or locality there are at least ten citizens who are entitled and desire to be registered, the registrars shall hold a session at some suitable place in such village or locality before the last day fixed for registration. The time and

Sessions to be held in certain villages or localities upon petition.

place of registration shall be the same for male and female applicants.

When registration shall cease. 1907, 560, § 37.

SECTION 37. In every city, registration shall cease at ten o'clock in the evening on the twentieth day preceding the annual state election, and at ten o'clock in the evening on the twentieth day preceding the annual city election. In every town, registration shall cease at ten o'clock in the evening on the Saturday last but one preceding the annual state election, and at ten o'clock in the evening on the Saturday last but one preceding the annual town meeting.

Registration for special elections. 1907, 560, § 38.

SECTION 38. The registrars shall, in some suitable place, hold a continuous session from twelve o'clock noon until ten o'clock in the evening, on the fourth day, or in Boston on the seventh day, preceding a special election. Registration shall cease at ten o'clock in the evening of the day on which such session is held.

Registration when final day falls on Sunday or a holiday. 1907, 560, § 39.

SECTION 39. If the final day for registration of voters falls on Sunday or on a holiday, the day preceding such Sunday or holiday shall be the final day for such registration.

Any registrar may examine applicants, etc. 1907, 560, § 40.

SECTION 40. Any registrar may, at a place appointed for registration, on the days and during the hours designated for the purpose, receive applications for registration and examine applicants and witnesses under oath; but all doings of one registrar shall be subject to the revision and acceptance of the board.

Not to enter names on registers after close of registration, except, etc. 1907, 560, § 41. 1909, 344, § 2.

SECTION 41. The registrars shall not, after ten o'clock in the evening of a day on which registration is to cease, register any person as a voter until after the next election, but they may enter or correct upon the registers the names of persons whose qualifications as voters have been examined between the preceding thirtieth day of April and the close of registration, and except in Boston they shall compare all notices of omitted assessments transmitted to them by the assessors under the provisions of section fifteen, with the annual register of voters for the previous year, and if it appears to their satisfaction that any of said omitted assessments is that of a person entitled to vote in such previous year they may before the close of registration enter such name on the current annual register. They shall, in every case, require the vote by virtue of which such entry or correction is made to be attested by their clerk.

Notices of omitted assessments to be compared, etc.

Notices of sessions for registration, etc. 1907, 560, § 42.

SECTION 42. They shall post or publish notices stating the places and hours for holding all sessions, the final sessions preceding any election, and that after ten o'clock in the

evening of the last day fixed for registration they will not, until after the next election, add any name to the registers except the names of voters examined as to their qualifications between the preceding thirtieth day of April and the close of registration.

Records to be kept in general register. 1907, 560, § 43. 1909, 440, § 2.

SECTION 43. They shall keep in general registers, records of all persons, male and female, registered as qualified to vote in the city or town. They shall enter therein the name of every such voter written in full, or instead thereof the surname and first Christian name or that name by which he is generally known, written in full, and the initial of every other name which he may have, and also his age, place of birth and residence on the preceding first day of April or at the time of becoming an inhabitant of the city or town after said day, the date of his registration and his residence at such date, his occupation and the place thereof, the name and location of the court which has issued to him letters of naturalization and the date thereof, if he is a naturalized citizen, and any other particulars necessary fully to identify him.

Blank books to be provided.

The general registers shall have uniform headings in substantially the following form, and blank books suitable for the purpose shall be provided by the secretary of the commonwealth, at cost, to registrars applying for them.

Form.

When Registered.	Name.	Signature of Applicant.	Residence April 1, or Subsequent Date.	Age.	Place of Birth.	Occupation.	Place of Occupation.	Minutes of Naturalization, Court Issuing Letters and Date of Naturalization.	Residence at Date of Registration.	Remarks.

Annual register, entries, arrangement, etc. 1907, 560, § 44. 1909, 440, § 2. 1912, 471, § 1.

SECTION 44. The registrars shall, after the first day of April, prepare an annual register containing the names of all qualified voters in such city or town for the current year, beginning with such first day of April. Such names shall be arranged in alphabetical order, and, opposite to the name of each voter, his residence on the preceding first day of April or on any subsequent day when he became an inhabitant of the city or town. The registrars shall enter in the annual register every name contained in the lists of persons

assessed for a poll tax for the current year, as transmitted to them by the assessors, giving, as the residence of each person on the first day of April, the place at which he was assessed a poll tax; and likewise the name and residence, as aforesaid, of every woman voter whose name is contained in the list of women voters transmitted to them, as provided in section sixteen: *provided*, that in every case they are able to identify the name so transmitted to them as that of a man or woman whose name was borne on the voting list of such city or town at the last preceding election or town meeting. They shall make all inquiries and investigations necessary to identify such person, and they shall not enter in the annual register the name of a person objected to by any registrar until such person has been duly notified and given an opportunity to be heard by them. They shall forthwith enter in the annual register the name of every person whose qualifications as a voter have been determined by them in the current year and whose name has accordingly been entered in the general register. They shall, on or before the first Monday of August in each year, send notice in writing by mail to each male voter of the preceding year whose name has not been entered in the annual register of the current year that his name has not been so entered. They shall annually, before the first day of April, transmit to the assessors a list of the women whose names are contained upon the register of voters, with their residences, as they appear on the register of the preceding year.

Proviso.

Registrars to make inquiries, investigations, etc.

To send notice to male voters whose names have not been entered in annual register.

To transmit to assessors list of women voters, etc.

SECTION 45. Every person, male or female, whose name has not been entered in the annual register in accordance with the preceding section, or section forty-one must, in order to be registered as a voter, apply in person for registration and prove that he is qualified to register.

Registration, personal application necessary, in certain cases. 1907, 560, § 45. 1909, 344, § 3.

SECTION 46. Every male applicant for registration, except in Boston, whose name has not been transmitted to the registrars as provided in section sixteen shall present a tax bill or notice from the collector of taxes, or a certificate from the assessors showing that he was assessed as a resident of the city or town on the preceding first day of April, or a certificate that he became a resident therein at least six months preceding the election at which he claims the right to vote, and the same shall be prima facie evidence of his residence. In Boston every such applicant whose name has not been transmitted to the election commissioners as provided by law shall present a certificate from the listing board

Male applicant to present tax bill or certificate, etc. 1907, 560, § 46. 1909, 440, § 2.

as provided by law, and the same shall be prima facie evidence of his residence.

Applicants for registration to be examined under oath, etc. 1907, 560, § 47.

SECTION 47. The registrars shall examine under oath an applicant for registration relative to his qualifications as a voter, and shall, unless he is prevented by physical disability, or unless he had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, require him to write his name in the general register and to read in such manner as to show that he is neither prompted nor reciting from memory. Registrars shall be provided by the secretary of the commonwealth with a copy of the constitution of the commonwealth printed on uniform pasteboard slips, each containing five lines of said constitution printed in double small pica type. The registrars shall place said slips in the box provided by the secretary of the commonwealth, which shall be so constructed as to conceal them from view. Each applicant shall be required to draw one of said slips from the box and read aloud the five lines printed thereon, in full view and hearing of the registrars. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by a registrar before another drawing is made. No person failing to read the constitution as printed on the slip thus drawn shall be registered as a voter. The registrars shall keep said slips in said box at all times. The secretary of the commonwealth shall upon request provide new slips to replace those worn out or lost.

Registrars to be provided with constitution slips.

Applicant to read from slip drawn from box.

No person to be registered who fails to read slip, etc.

Registration of naturalized citizens. 1907, 560, § 48.

SECTION 48. If an applicant for registration is a naturalized citizen, the registrars shall require him to produce for inspection his papers of naturalization, and to make oath that he is the identical person named therein, and shall, if satisfied that the applicant has been legally naturalized, make upon his papers a memorandum of the date of such inspection. If papers of naturalization have once been examined and record thereof made in the general register, the registrars need not again require their production.

Registration of minors. 1907, 560, § 49.

SECTION 49. If, upon examination, the registrars are satisfied that an applicant for registration has all the qualifications of a voter, except that of age, and that he will on or before the day of the next election or town meeting, attain full age, they shall place his name upon the registers.

Applicants to be notified of rejection, etc. 1907, 560, § 50.

SECTION 50. If the registrars decline to register the name of a person examined for registration and reported to them therefor by a registrar, they shall notify him of their refusal,

and give him a reasonable opportunity to be heard by them upon his application. They shall upon the rejection of an applicant forthwith inform him of such rejection.

Revision and correction of registers. 1907, 560, § 51.

SECTION 51. The registrars shall, from time to time, revise and correct the general register and the current annual register in accordance with any facts which may be presented to them. They shall strike therefrom the name of every deceased person which has been transmitted to them by the city or town clerk or the registrar of deaths in accordance with section twenty-three; but after the name of a voter has been placed upon the current annual register, they shall not change the place of residence as given thereon, nor, unless the voter has deceased, strike such name therefrom, until they have sent him a notice of their intention so to do and that he may be heard on a certain day named therein.

Illegal or incorrect registration. 1907, 560, § 52.

SECTION 52. If a registered voter complains to the registrars or election commissioners, in writing under oath in a city fourteen days at least, or in a town four days at least, before an election or town meeting, that the complainant has reason to believe and does believe that a certain person by him therein named has been illegally or incorrectly registered, and setting forth the reasons for such belief, the registrars or election commissioners shall examine into such complaint, and if satisfied that there is sufficient ground therefor, they shall summon the person complained of to appear before them at a certain place and time before the next election or town meeting to answer to the matters set forth in the complaint, and the substance of the complaint and a copy of this and the following section shall be set forth in the summons. Service of the summons shall be made by an officer qualified to serve civil or criminal process, not more than fourteen nor less than two days before the day named for appearance, by delivering in hand a copy of the summons to the person therein summoned, or by leaving it at the place of alleged illegal or incorrect registration, if no later residence of such person appears on the register, and in that event at such later residence if the officer finds that such person resides at such place or later residence, as the case may be, or if he was formerly there and has changed his residence, then by leaving it at the place to which he has moved, if it is within the officer's jurisdiction and can be ascertained by inquiry at such place or later residence; but if the officer cannot make personal service, and cannot ascertain the residence

Service of summons.

of the person complained of, the copy of the summons shall be left at such person's last residence, if any, known to the officer within his jurisdiction; and the officer shall return the summons to the registrars or election commissioners before the day named for appearance, with the certificate of his doings indorsed thereon.

Examination of persons, etc. 1907, 560, § 53.

SECTION 53. If a person summoned before the registrars or election commissioners to answer to such complaint appears before them, they shall examine him under oath, and shall receive other evidence which may be offered in regard to the matters set forth in the complaint, and if satisfied that he is properly registered as a qualified voter they shall enter in the register a statement of their determination upon the facts required for registration. If the registrars or election commissioners are satisfied that he is not a qualified voter in the city or town, they shall strike his name from the register. If they are satisfied that, although he is a qualified voter in the city or town, he is illegally or incorrectly registered in a ward or voting precinct other than the ward or voting precinct in which he is required to be registered as provided in section fourteen, and are satisfied as to which ward or voting precinct he is so required to be registered in, and as to his place of residence in such ward or voting precinct, they shall change his place of residence as given on the register accordingly. If a person duly summoned as aforesaid does not appear as directed in the summons, the complainant shall produce sufficient testimony to make out a prima facie case, and if this is done the name of the person complained of shall be stricken from the register; but if such person appears before the registrars or election commissioners before the election or town meeting next ensuing and shows sufficient cause for his failure earlier to appear, the hearing shall be reopened and the matter decided on its merits, as determined from the evidence presented on both sides. The complainant and the person complained of may be represented by counsel, and all witnesses may be cross-examined.

Notice of error to be transmitted to assessors. 1907, 560, § 54.

SECTION 54. The registrars shall promptly transmit to the assessors of the city or town notice of every error which they shall discover in the name or residence of a person assessed therein. The provisions of this section shall not apply to Boston.

Sessions for registration and records

SECTION 55. The registrars or election commissioners shall perform their duties in open session, and not secretly.

They shall distinctly announce the name of every applicant for registration before entering his name on the general register. Their records shall at suitable times be open to public inspection.

to be open to public. 1907, 560, § 55.

SECTION 56. All written complaints and certificates received by the registrars, or election commissioners, and all other documents in their custody relative to registration, shall be preserved by them for two years after the respective dates thereof.

Documents to be preserved for two years. 1907, 560, § 56.

SECTION 57. A registrar or election commissioner shall have authority to enforce regularity in all proceedings before him, and to maintain order in and about the place where a session is held, or applications for registration are received, and to keep the access thereto open and unobstructed.

Maintenance of order, etc. 1907, 560, § 57.

SECTION 58. The board of police or officer in charge of the police force of a city or town shall, when requested by the registrars or election commissioners, detail a sufficient number of police officers to attend any meeting held by a registrar in the performance of his duties, and to preserve order and enforce his directions.

Police officers at meetings. 1907, 560, § 58.

SECTION 59. The governor, with the advice and consent of the council, shall, on the petition of not less than ten qualified voters of a city or town, appoint for a term of one year, two supervisors of registration for each place of registration therein, one from each of the two leading political parties. They shall attend all sessions or meetings for registration held at the places for which they are appointed, and either of them may attach to any book or papers there used for purposes of registration any statement touching the truth or fairness of the proceedings which he may deem proper, and may add thereto his signature or other marks for the purpose of identification.

Supervisors of registration, appointment, etc. 1907, 560, § 59.

Voting Lists.

SECTION 60. Registrars or election commissioners shall, from the names entered in the annual register of voters, prepare voting lists for use at the several elections to be held therein. In such voting lists, they shall place the names of all voters entered on the annual register, and no others, and opposite to the name of each, his residence on the preceding first day of April or at the time of his becoming an inhabitant of such place after said day. They shall enter the names of women voters in separate columns or

Voting lists, contents, arrangement, etc. 1907, 560, § 60. 1909, 440, § 2.

lists. In cities, they shall prepare such voting lists by wards, and if a ward or a town is divided into voting precincts, they shall prepare the same by precincts, in alphabetical order, or by streets, except that in Boston, the voting lists shall be prepared by streets. Names shall be added thereto or taken therefrom as persons are found to be qualified or not qualified to vote.

Names of certain voters to be placed at end of list. 1907, 560, § 61.

SECTION 61. They shall place at the end of the voting lists of each ward, voting precinct or town to be used at a state election, under a proper heading, the names of all persons who, by changes in city or town boundaries, are not entitled to vote for the whole number of officers to be chosen.

Posting of voting lists. 1907, 560, § 62. 1910, 147.

SECTION 62. They shall, at least twenty days before the annual city or town election, and in every place except Boston, at least sixty days before the annual state election, and in Boston, twenty-four days at least before the annual state election, cause copies of the voting lists prepared in accordance with the two preceding sections to be posted in their principal office and in one or more other public places in the city or town, and in each precinct therein.

Additional names to be posted or published. 1907, 560, § 63.

SECTION 63. After the voting lists have been posted, registrars shall, within forty-eight hours after a new name has been added to the annual register, cause it to be added to the lists posted in their principal office. If a city or town shall authorize the registrars to publish the names added to the register, they may, instead of posting them, cause all additional names to be printed in a newspaper published in the city or town, if any, otherwise in a newspaper published in the county in which such city or town is situated.

Certificate to be given in case of omission or error. 1907, 560, § 64.

SECTION 64. Registrars shall, on the day of an election, give to a voter whose name has been omitted from the voting list, or in whose name or residence, as placed on the voting list, a clerical error has been made, a certificate of his name and residence, as stated on the annual register, signed by the registrars or a majority of them. On presentation thereof to the presiding election officer of the ward, voting precinct or town in which the voter was registered, he shall be allowed to vote, and his name shall be checked on the certificate, which shall be attached to and considered a part of the voting list and returned and preserved therewith.

Proceedings at polls.

Voting lists for use at polls. 1907, 560, § 65.

SECTION 65. They shall, before every election and meeting in a city or town at which voting lists may be required to be used, prepare voting lists for each ward, voting precinct

or town in which such election or meeting is to be held, containing the names and residences of all persons qualified to vote therein, as the same appear upon the annual register, and they shall seasonably transmit the same to the election officers in every such precinct, ward or town. Such voting lists shall be in duplicate for all elections and meetings at which duplicate lists are required to be used. In Boston a copy of the voting list for each precinct required to be made by section eighty-five shall also be furnished by the board of election commissioners at each primary and at each election to the warden in charge of each polling place for the use of the police officer in such polling place. Said list shall not be removed from the polling place and shall be returned to the warden immediately after the close of the polls, and he shall immediately transmit the same to the board of election commissioners according to the provisions of section three hundred and four.

To be in duplicate.

In Boston copy to be furnished for use of police officer.

SECTION 66. They shall forthwith, after the final day for registration before an annual state, city or town election, certify to the secretary of the commonwealth the number of assessed polls, the number of registered male and female voters in the city or town, and in each ward and precinct therein, and the number of persons who by law are entitled to vote for a part only of the whole number of officers to be chosen at a state election in such city or town and in each ward and precinct therein, with the titles of the officers for whom such persons are entitled to vote.

Returns of assessed polls, registered voters, etc. 1907, 560, § 66.

In cities in which the city clerk is not a member of the board of registrars, the registrars shall likewise, after the last day for registration for a city election, certify to the city clerk the number of registered male and female voters in the city, and in each ward and voting precinct therein.

In cities where city clerk is not a member of board of registrars.

SECTION 67. When a caucus is called the registrars shall, on the request of the chairman of the ward or town committee of the party whose caucus is to be held or of the person designated to call the caucus to order, furnish him for use in the caucus a certified copy of the voting list of the town, or of the ward of the city for which the caucus is to be held, as last published, adding thereto the names of voters registered since such publication.

Voting list for use at caucus. 1907, 560, § 67.

SECTION 68. The registrars in every city, after the annual city election in the year nineteen hundred and fourteen, and in every tenth year thereafter, shall, for the purpose of furnishing to the city council and the board of

List of voters before a new division of a city into wards, etc. 1907, 560, § 68.

aldermen the information necessary for a new division of the city into wards and voting precincts, deliver to the city clerk before the tenth day of February then next ensuing a list of all male voters therein who were registered for such city election, which shall be so arranged as to show the number of such voters residing in each lot or block surrounded by streets within the limits of such city or within any other subdivision thereof, which the city council or board of aldermen may, before the first day of February, designate. The registrars shall likewise in any other year, upon request of the board of aldermen, furnish, for the purpose of dividing the ward into voting precincts, a list of the male voters of any ward in the city, arranged as aforesaid.

Listing and Registration of Voters in Boston.

Listing board in Boston, how constituted. 1907, 560, § 69.

SECTION 69. In Boston there shall be a listing board composed of the police commissioner of said city and one member of the board of election commissioners, who shall annually be appointed by the mayor, without confirmation by the board of aldermen, for the term of one year and who shall belong to that one of the two leading political parties of which said police commissioner is not a member. In case of disagreement between the two members of said board, the chief justice of the municipal court of the city of Boston, or, in case of his disability, the senior justice of said court who is not disabled, shall for the purpose of settling such disagreement be a member of said board and shall preside and cast the deciding vote, in case of a tie.

To make lists of male persons, etc. 1907, 560, § 70. 1908, 480. 1909, 440, § 2.

SECTION 70. The listing board shall, within the first seven week days of April in each year, by itself or by police officers subject to the jurisdiction of the police commissioner, visit every building in said city, and after diligent inquiry make true lists, arranged by streets, wards and voting precincts, and containing as nearly as the board can ascertain, the name, age, occupation and residence on the first day of April in the current year, and the residence on the first day of April in the preceding year, of every male person, twenty years of age or upwards, who is not a pauper in a public institution, residing in said city. Said board shall designate in such lists all buildings used as residences by such male persons, in their order on the street where they are located, by giving the number or other definite description of every such building so that it can be readily

Buildings used as residences to be designated, etc.

identified, and shall place opposite the number or other description of every such building the name, age and occupation of every such male person residing therein on the first day of April in the current year, and his residence on the first day of April in the preceding year. The board shall also inquire at the residences of the women voters whose names are contained in the list transmitted to them by the election commissioners under section seventy-six whether such women voters are resident thereat, and shall thereupon make true lists of the women voters found by them. If in any year the police commissioner shall believe it to be impracticable, because of any public exigency requiring unusual service from the police force of the city, to complete within the first seven week days of April such visitation, and to transmit to the election commissioners on or before the eighteenth day of April the lists described in this section, he shall have authority, after having given notice in writing to the listing board and to the board of election commissioners of the city, to take such further time for such visitation and transmission, not exceeding ten week days, as he shall deem necessary.

To make lists of women voters.

Police commissioner may take further time when necessary, etc.

The board shall place in the lists made by it, opposite the name of every such male person or woman voter, the name of the inmate, owner or occupant of the building, or the name and residence of any other person, who gives the information relating to such male person or woman voter. Where such information is given by one person relating to more than one such male person or woman voter residing in one building, ditto marks may be used in such lists under the name of the person giving the information, after his name has been once placed opposite the name of such male person or woman voter first written down as residing in such building.

Names of informants to be given, etc.

The board shall, upon the personal application of a person listed either upon the original or supplementary lists for the correction of any error in their lists, or whenever informed of any such error, make due investigation, and upon proof thereof correct the same on their original or supplementary lists, and shall immediately notify the election commissioners of such correction, who shall correct their copies of said lists accordingly and proceed to revise and correct the registers under the provisions of section fifty-one. The board shall cause all applications and affidavits received by them under this section to be preserved for two years.

To correct errors in lists, etc.

Applications, etc., to be preserved for two years.

To transmit copies of lists to election commissioners, etc. 1907, 560, § 71. 1909, 440, § 2.

SECTION 71. The board shall, on or before the eighteenth day of April in each year, transmit to the election commissioners certified copies of those parts of the lists prepared as provided in the preceding section, containing the name, age, occupation and residence on the first day of April in the current year, and the residence on the first day of April in the preceding year, of every male person, twenty years of age or upwards, residing in said city, and shall promptly transmit to the election commissioners notice of every addition to and correction in the lists made by them. The board shall furnish all information in its possession necessary to aid the election commissioners in the performance of their duties.

To prepare printed copies of lists, etc. 1907, 560, § 72.

SECTION 72. The board shall, on or before the first day of July in each year, prepare printed copies of the lists prepared for the use of the election commissioners. The board shall print such lists in pamphlet form by precincts, deliver to the election commissioners as many copies thereof as they may require and hold the remaining copies for public distribution.

Listing of persons not previously listed. 1907, 560, § 73. 1909, 440, § 2. 1913, 286.

SECTION 73. If a male person, twenty years of age or upwards, resident in Boston on the first day of April, was not listed by the board, he shall, in order to establish his right to be listed, appear before a member of the board, the superintendent, a deputy superintendent or an inspector of police, who are hereby authorized to administer oaths for this purpose, and present under oath a statement in writing that he was on said day a resident of said city, giving his name, age, occupation and residence on the first day of April in the current year, and his residence on the first day of April in the preceding year.

Certain persons desiring to be listed to present a statement in writing, etc.

A male person, twenty years of age or upwards, who becomes a resident of said city after the first day of April, and desires to be listed, shall appear before a member of the board, the superintendent, a deputy superintendent or an inspector of police, who are hereby authorized to administer oaths for this purpose, and present under oath a statement in writing that he became a resident of said city at least six months immediately preceding the election at which he claims the right to vote, giving his name, age, occupation and residence on the above date, and his residence on the first day of April in the preceding year.

Certificate to be given in certain cases, etc.

If the board, after investigation, is satisfied that such statements are true, it shall give such applicant a certificate that

he was a resident of said city on said first day of April, or a certificate that he became a resident at least six months immediately preceding such election, as the case may be, which certificate shall state his name, age, occupation and residence on the first day of April in the current year or on the above date, as the case may be, and his residence on the first day of April in the preceding year; but no such application shall be received later than the thirtieth day preceding a state or a municipal election, and no such person shall be listed or be given such certificate later than the twenty-first day preceding such state or municipal election. The board shall not after the last day for making such application before a state election receive an application until after such election.

Application not to be received later than the thirtieth day preceding election, etc.

In every place where oaths are administered for the purpose of listing the board shall post in a conspicuous place a copy of section four hundred and sixty, printed on white paper with black ink, in type not less than one quarter of an inch wide.

To post in place where oaths are administered copy of section 460.

SECTION 74. The board shall enter the date of application, the name, age, occupation and residence on the first day of April in the current year and the residence on the first day of April in the preceding year, of every such applicant, as above provided, together with the result of its investigation of his application, in a book provided for that purpose, which shall be open for public inspection. Said board shall cause to be printed in some newspaper published in Boston, the name and residence of every such applicant. The names and residences of such applicants shall be printed by wards and precincts within two days after the number of names of such applicants, not printed, reaches fifty; and on the day when such number is reached, the names to be printed within such two days shall include the names of all such applicants up to the close of business for this purpose in the office of the board on such day.

Record of applications, etc., to be kept. 1907, 560, § 74. 1909, 440, § 2.

Names and residences of applicants to be printed.

SECTION 75. The police commissioner shall have his office open during such hours as shall be necessary to carry out the provisions of the two preceding sections.

Office of police commissioner to be kept open during certain hours. 1907, 560, § 75.

SECTION 76. The election commissioners shall, after the first day of April in each year, prepare an annual register containing the names of all qualified voters in Boston for the current year, beginning with such first day of April. Such names shall be arranged by wards and precincts and, opposite the name of each voter, shall be entered his resi-

Election commissioners to prepare annual register of voters. 1907, 560, § 76. 1909, 440, § 2. 1912, 471, § 2.

dence on the preceding first day of April or any subsequent day when he became a resident of said city. The election commissioners shall enter in the annual register every name contained in the lists, for the current year, of persons transmitted to them by the listing board, giving, as the residence of each person on the first day of April, the place at which he was listed by said board; and likewise the name and residence, as aforesaid, of every woman voter whose name is contained in the list of women voters transmitted to them under this act: *provided*, that in every case they are able to identify the name so transmitted as that of a man or woman whose name was borne on the voting list of said city at the last preceding election. They shall make all inquiries and investigations necessary to identify such person, and they shall not enter in the annual register the name of a person objected to by any commissioner, until such person has been duly notified and given an opportunity to be heard by them, and shall have appeared and satisfied them of his right to have his name so entered. They shall forthwith enter in the annual register the name of every person whose qualifications as a voter have been determined by them in the current year and whose name has accordingly been entered in the general register. They shall, on or before the first Monday of August in each year, send notice in writing by mail to each male voter of the preceding year whose name has not been entered in the annual register of the current year that his name has not been so entered. They shall, before the first day of April in each year, transmit to the listing board a list of the women voters whose names are contained upon the register of the preceding year, with their residences, as they appear on said register.

Proviso.

To make necessary inquiries and investigations, etc.

To send notice to voters of preceding year whose names have not been entered in annual register.

To transmit list of women voters to listing board.

Applicants for registration to apply in person, etc. 1907, 560, § 77.

SECTION 77. Every person, male or female, whose name has not been entered in the annual register in accordance with the preceding section, must, in order to be registered as a voter, apply in person for registration and prove that he is qualified to register.

Election commissioners of Boston, appointment, etc. 1907, 560, § 78.

SECTION 78. The election department of Boston shall be under the charge of a board of election commissioners consisting of four citizens and voters of Boston who shall be appointed by the mayor; and chapter four hundred and eighty-six of the acts of the year nineteen hundred and nine, and all other acts relating to departments of Boston, or the officers and employees thereof, not inconsistent herewith,

shall be applicable to said department and the officers and employees thereof.

Political representation, compensation, etc. 1907, 560, § 79. 1909, 440, § 2.

SECTION 79. Said board shall be so selected that two members shall always belong to each of the two leading political parties; and one member shall annually be appointed for the term of four years, beginning with the first day of April in the year of his appointment. The mayor shall annually, on or before the first day of April, designate one member as chairman for the year beginning with said day, and may, after notice and hearing, remove any member for cause. The chairman of said board shall receive an annual salary of four thousand dollars, and each of the other commissioners three thousand five hundred dollars, or such other salary as the city council may by ordinance prescribe.

To appoint assistant registrars of voters. 1907, 560, § 80. 1909, 440, § 2.

SECTION 80. Said board shall annually, between the first day of April and the first day of October, appoint assistant registrars of voters, not exceeding four for each ward, who shall hold office for the term of one year, beginning with the first day of October, unless sooner removed by the election commissioners, and who shall equally represent the two leading political parties.

To constitute the Boston ballot law commission, etc. 1907, 560, § 81.

SECTION 81. Said board shall constitute the Boston ballot law commission, and shall in all matters relating to objections and questions arising in the case of nominations of candidates for city offices have the powers and perform the duties prescribed for the state ballot law commission; and when sitting as such, the chief justice of the municipal court of the city of Boston, or in case of his disability the senior justice of said court who is not disabled, shall be a member of said board and shall preside, but shall not vote unless the other commissioners are equally divided; and in every other matter in which the commissioners are equally divided said chief justice shall act with them and shall cast the deciding vote.

Books for the registration of voters to be prepared, etc. 1907, 560, § 83. 1909, 440, § 2.

SECTION 82. Said board shall prepare books for the registration of the male voters and the general register of voters, and the books so prepared shall constitute the general register of voters in said city. Said books shall be in substantially the following form: —

Form.

Street.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.			12.
Date of Application for Registration.	No. of Residence or Other Designation, April 1, of the Year of Application.	Name.	Signature.	Length of Residence in City.	Occupation.	Place of Occupation.	Place of Birth.	Court of Naturalization.	Date of Naturalization Papers.	Personal Description.			Present Residence.
										Age.	Height.	Weight.	

Under the several headings, there shall be entered as follows: —

One, The day, month and year when the applicant is adjudged a qualified voter.

Two, The name of the applicant and the number on the street, place or other location of his dwelling on that day, or if there is no number, such clear and definite description of the place of said dwelling that it can be readily ascertained; if more than one family resides in said dwelling, the floor on which the applicant resides; and if there is more than one house at the number given by the applicant, in which one of them he resides.

Three, The full surname and the Christian name of the applicant, or the name by which he is generally known, and the initial of every other name which he may have.

Four, The applicant shall write his name on a line with the statements herein set forth.

Five, The number of months or years which the applicant states that he has lived in said city.

Six, A full statement of his occupation.

Seven, The place of his occupation.

Eight, The name of the city or town, county and state, country, kingdom, empire or dominion where he was born.

Nine, The designation of the court where the applicant, if he was an alien, was naturalized.

Ten, The date of such naturalization.

Eleven, The age, approximate height and weight of the applicant.

Twelve, The residence of the applicant at the date of registration.

The names of all voters residing in the same dwelling shall be placed together.

Sessions of board of election commissioners for registration. 1907, 560, § 84.

SECTION 83. Said board shall hold such day sessions as the city may by ordinance prescribe, and such additional sessions as they shall deem necessary. They shall, in any event, hold in or near each ward in said city not less than ten evening sessions, each of at least three hours' duration, between the first day of September and the close of registration before the annual state election, and the same number of like sessions between the annual state election and the close of registration before the annual city election. They shall also hold at their principal office a continuous session from nine o'clock in the morning until ten o'clock in the evening on the twentieth day preceding the annual state election, and a like continuous session on the twentieth day preceding the annual city election, and a continuous session from twelve o'clock noon until ten o'clock in the evening on the seventh day preceding a special election.

Applicants for registration to be examined under oath, etc. 1907, 560, § 85.

SECTION 84. An election commissioner or assistant registrar of voters shall, at the times and places fixed for registering voters, examine under oath each applicant for registration as to his qualifications as a voter, and, if satisfied that the applicant is a qualified voter, shall immediately, in the presence of the applicant, enter in the proper columns of said register the information required by section eighty-two, according to the statements of the applicant; and if at any time prior to an election the board shall be of opinion that there is an error in such information, after giving notice to the person by mail, by special delivery, that he may be heard on a certain day named therein, it may on said day re-examine said information and correct such error, if any. No person shall, except as provided in section seventy-six have his name entered upon such register unless he personally appears before said board or one member thereof or an assistant registrar and is found qualified to be registered as a voter; and if the person is a naturalized citizen, he shall produce his naturalization papers or a certified copy of the record thereof for inspection, and make oath that he is the person named therein. But if there is a record in the office of said board made in the year eighteen hundred and ninety-six, or subsequent thereto, that the naturalization papers of the applicant have once been produced and examined, they need not be again produced.

Street lists of voters to be made. 1907, 560, § 86. 1909, 440, § 2.

SECTION 85. Said board shall annually after the close of registration and before the annual state election make, by precincts, from the annual register, street lists of the voters

to be used as the voting lists at elections. Each list shall contain not less than two hundred names, and names shall be added to or taken therefrom, as persons are found qualified or not qualified to vote. Said lists shall be in the following form: —

Form.

_____ Street.

	Name of Voter.	Residence, Number, or Other Designation, April 1, of the Year of Election.	Length of Residence in City.	Personal Description.		
				Age.	Height.	Weight.

Pamphlet copies of voting lists. 1907, 560, § 87.

Section 86. Said board shall, prior to the annual state election and prior to the annual city election, prepare in pamphlet form, not less than fifty copies of each voting list, omitting therefrom everything except the name and residence of the voters, and shall distribute said copies as they may deem best.

Voter to write his name upon request. 1907, 560, § 88.

Section 87. Every person upon applying to vote shall, when requested by any election officer, write his name in a book prepared for the purpose unless the voter declares under oath to the presiding officer that he had the right to vote on the first day of May in the year eighteen hundred and fifty-seven and cannot write, or that by reason of blindness or other physical disability he is unable to write.

PART II.

Political Committees.

State committees, election, term, etc. 1907, 560, § 89. 1911, 550, § 18.

Section 88. Each political party shall annually elect a state committee, the members of which shall hold office for one year from the first day of January next following their election and until their successors shall have organized. Said committee shall consist of at least one member from each senatorial district to be elected at the state primaries, and such number of members at large as may be fixed by the committee to be elected at the state convention; and the person who in the aggregate of all the ballots cast in each district for such district members shall receive the highest number of such votes shall be the member elected.

Organization.

The members of the state committee shall, in January, meet and organize by the choice of a chairman, a secretary, a treasurer and such other officers as they may decide to elect.

Lists of members and officers to be filed.

The secretary of the state committee shall, within ten days after such organization, file with the secretary of the commonwealth, and send to each city and town committee, a list of the members of the committee and of its officers.

Vacancies.

A vacancy in the office of chairman, secretary or treasurer of the committee or in the membership thereof shall be filled by the committee, and a statement of any such change shall be filed as in the case of the officers first chosen.

Ward and town committees, election, term, etc. 1907, 560, § 90. 1911, 550, § 1.

SECTION 89. Each political party shall, in every ward and town, annually elect at the state primaries, a committee to be called a ward or a town committee, to consist of not less than three persons, who shall hold office for one year from the first day of January next following their election and until their successors shall have organized.

City committee.

The members of the several ward committees of a political party in a city shall constitute a committee to be called a city committee.

City and town committees, organization.

Each town committee shall annually, between the first day of January and the first day of March, and each ward and city committee shall, within thirty days after the beginning of its term of office, meet and organize by the choice of a chairman, a secretary, a treasurer and such other officers as it may decide to elect.

Lists of officers and members to be filed.

The secretary of each city and town committee shall, within ten days after its organization, file with the secretary of the commonwealth, with the city or town clerk and with the secretary of the state committee of the political party which it represents, a list of the officers and members of the committee.

Vacancies.

A vacancy in the office of chairman, secretary or treasurer of a city, ward or town committee shall be filled by the committee, and a vacancy in the membership of a ward or town committee shall be filled by such committee, and a statement of any such change shall be filed as in the case of the officers first chosen.

Ward committees in case of a re-division of a city into wards. 1907, 560, § 91.

SECTION 90. Upon a re-division of a city into wards, any political party may in the next succeeding calendar year elect its ward committees for such terms, not exceeding the length of the terms for which the former committees were chosen, as the city committee existing at the time of calling

the caucuses may determine, and thereafter shall elect such committees at the times and for the terms prescribed by law. The caucuses for the choice of such ward committees shall be called by the city committee in existence at the time, and shall be subject to such reasonable notice as said city committee shall determine.

Organization of existing committees. 1907, 560, § 92.

SECTION 91. Committees of any party existing at the time when such party at an annual state election first polls for governor three per cent of the entire vote cast in the commonwealth for that office shall be deemed to be organized under these provisions.

Committees may make rules and regulations, etc. 1907, 560, § 93. 1908, 428.

SECTION 92. A state, city or town committee may make rules and regulations, not inconsistent with law, for its proceedings and relative to caucuses called by it, and may fix the number of persons of whom it shall consist, which number shall be announced in the call for the meeting at which they are to be chosen. Each city or town committee may make reasonable regulations, not inconsistent with law, to determine membership in the party, and to restrain persons not entitled to vote at caucuses from attendance thereat or taking part therein. But no political committee shall prevent any voter from participating in a caucus of its party for the reason that the voter has supported an independent candidate for political office. A state committee may make rules and regulations, not inconsistent with law, for calling conventions.

Provisions applying to All Primaries.

Conduct of primaries. 1907, 560, § 144.

SECTION 93. Primaries shall be conducted in general accordance with the provisions of law concerning the conduct of elections and the manner of voting thereat, except as otherwise provided in the sections concerning primaries.

Withdrawal of names of candidates. 1907, 560, § 126. 1911, 550, § 9.

SECTION 94. A person who is nominated to be voted for at a primary may withdraw his name from nomination by a request in writing signed by him and acknowledged before a justice of the peace and filed with the officer with whom the nomination was filed, in the case of a person to be voted for at a state or presidential primary within the seventy-two week-day hours, and in the case of a person to be voted for at a city or town primary within the forty-eight week-day hours, succeeding five o'clock in the afternoon of the last day fixed for the filing of nomination papers for such primary.

Nominations valid unless objected to, etc. 1907, 560, § 178.

SECTION 95. When nomination papers have been filed, and are in apparent conformity with law, they shall be valid unless objections thereto are made in writing and filed with the officer with whom the nomination paper was filed. Such objections shall be filed in the case of candidates to be voted for at a state or presidential primary within the seventy-two week-day hours, in the case of candidates to be voted for at city primaries within the forty-eight week-day hours, and in the case of candidates to be voted for at town primaries within the twenty-four week-day hours, succeeding five o'clock in the afternoon of the last day fixed for the filing of nomination papers for such primaries.

Objections, etc., by whom considered. 1911, 550, § 11.

SECTION 96. Objections to nomination papers for candidates to be voted for at state or presidential primaries, and all other questions relating thereto, shall be considered and determined by the state ballot law commission; to nominations for candidates to be voted for at city primaries by the board of registrars, the city clerk and the city solicitor; and to nominations for candidates to be voted for at town primaries by the board of registrars.

Days of holding primaries. 1907, 560, § 148. 1909, 264, 486, § 52. 1911, 550, § 2. 1912, 254, § 2, 274, § 1.

SECTION 97. State primaries shall be held on the sixth Tuesday preceding state elections, city primaries on the third Tuesday preceding city elections, town primaries, on the second Tuesday preceding town elections, and presidential primaries on the last Tuesday in April; except that primaries before a special election shall be held on the second Tuesday preceding the special election.

To be held by precincts in certain places.

In Boston they shall be held by precincts as established for elections; elsewhere, wholly or partly by wards, precincts or towns, as the board of aldermen or selectmen may from time to time determine.

Certain provisions of law to apply. 1907, 560, § 151. 1908, 423, § 2.

SECTION 98. The provisions of law relating to election officers, voting places for elections, election apparatus and blanks, calling and conduct of elections, manner of voting at elections, counting and recounting of votes at elections, the provisions of section three hundred and eight, corrupt practices, and penalties, shall apply to primaries, except as otherwise provided in the sections concerning primaries.

Petitions for recounts in Boston. 1907, 560, § 160.

SECTION 99. In Boston petitions for recounts after primaries shall be filed before five o'clock in the afternoon of the second day thereafter.

Officers may be designated to serve at primaries.

SECTION 100. The election commissioners in Boston, the city clerks in other cities, and the town clerks in towns may

1907, 560, § 152.

designate two inspectors and two deputy inspectors, representing the two leading political parties, instead of a larger number, to serve at the primaries, and from the whole body of election officers they may designate officers equally representing the two leading political parties to serve as tellers in any precinct or ward during part of the day for the purpose of receiving ballots, checking names, or canvassing and counting votes, such tellers to receive such part of a full day's compensation of election officers as the election commissioners in Boston, the board of aldermen in other cities, or the selectmen in towns, may determine.

Same subject. 1907, 560, § 153.

SECTION 101. In wards or towns where at elections voting is by precincts, but at primaries by wards or towns, the city or town clerk shall designate which of the election officers shall serve as primary officers.

Certain persons not ineligible as primary officers. 1907, 560, § 154.

SECTION 102. Except in Boston no person shall be ineligible to serve as a primary officer because he is a candidate for or member of a ward or town committee.

Ballots for state and presidential primaries, preparation, etc. 1911, 550, § 12.

SECTION 103. Ballots for use at state and presidential primaries shall be prepared and provided, and the number thereof determined, by the secretary of the commonwealth, and no other ballots shall be received or counted: *provided, however,* that if the ballots provided for any polling place are not delivered, or if after delivery they are lost, destroyed or stolen, the city or town clerk or election commissioners shall provide ballots similar as far as possible, which ballots may be used.

Proviso.

Ballots for city and town primaries, preparation, etc. 1907, 560, § 130.

SECTION 104. The city or town shall provide and the city or town clerk shall prepare ballots to be used in city or town primaries, and no other ballots shall be received or counted. No ballots as herein provided shall be printed in any printing establishment owned or managed by the city of Boston.

Number of ballots, how determined. 1907, 560, §§ 130, 150. 1909, 486, § 52.

SECTION 105. The number of ballots for use at city or town primaries shall be determined by the city clerk in cities, and by the town clerk in towns, and shall not for any ward or town exceed one ballot of each party for each voter therein.

Ballots for each party to be printed on paper of a different color, etc. 1907, 560, §§ 130, 150.

SECTION 106. Ballots for each party shall be printed on paper of a different color from that on which the ballots for any other party are printed. At least six facsimile copies of the ballot for each party, printed on colored paper, shall be provided for each polling place as specimen ballots.

Form of official ballot. 1907, 560, § 131. 1911, 550, § 12.

SECTION 107. At the top of each ballot shall be printed the words "The official ballot of (here shall follow the party name)." On the back and outside of each ballot when folded shall be printed the words "Official ballot of the (here shall be inserted the party name)", followed by the number of the precinct and ward or the name of the town for which the ballot is prepared, the date of the primary and for state or presidential primaries a facsimile of the signature of the secretary of the commonwealth and for city or town primaries a facsimile of the signature of the city or town clerk. Names of candidates for each elective office shall be arranged alphabetically according to their surnames.

Arrangement of names.

To be arranged in groups in order of drawing.

Names of candidates for ward or town committees, and for delegates to conventions shall be arranged in groups in such order as may be determined by lot, under the direction of the secretary of the commonwealth, who shall notify each state committee and give a representative of each such committee an opportunity to be present: *provided, however,* that, when necessary, groups may be printed on the ballot in two or more columns.

Proviso.

Street and number of residence to be printed.

Against the name of a candidate for an elective office, for a ward or town committee or for a member of a state committee shall be printed the street and number, if any, of his residence.

Certain statement to be printed.

Against the name of a candidate for an elective office shall be printed the statement contained in the nomination paper placing him in nomination.

Names to be printed on ballot, blank spaces to be provided, etc.

No names shall be printed on a ballot other than those presented on nomination papers. Immediately following the names of candidates, blank spaces equal to the number of persons to be chosen shall be provided for the insertion of other names.

Number to be voted for to be stated on ballot.

The number of persons to be voted for for the different offices shall be stated on the ballot.

Form of ballots, etc.

The form of ballots and the arrangement of printed matter thereon shall be in general the same as that of the official state ballots, except as otherwise provided in the sections concerning primaries.

A cross to constitute a vote, etc. 1907, 560, § 132.

SECTION 108. A cross [X] marked against a name shall constitute a vote for the person so designated. A cross in the circle at the head of a group of candidates for ward committees or for delegates to a state convention shall count as a vote for each candidate therein. A voter may vote for

one or more candidates in any such group by marking a cross against the name of each such candidate, or he may insert another name and mark a cross against it. If he votes for more candidates than the number to be elected, his vote shall not be counted.

Delivery of ballots, etc., at polling places. 1907, 560, § 133. 1908, 423, § 1.

SECTION 109. The city or town clerk, or in Boston the election commissioners, before the opening of the polls on the day of the primary, shall deliver at the polling place to the warden or, if he is not present, to the clerk or, if both are absent, then to any inspector, ballot boxes, the ballots, specimen ballots, voting lists, suitable blank forms and apparatus for canvassing and counting the ballots and making the returns, a seal of suitable device and a record book for each polling place. The presiding officer at each polling place shall, before the opening of the primary, conspicuously post in such polling place at least six specimen ballots for each party, which shall be kept so posted until the polls are closed, except that where voting booths are provided two of such specimen ballots for each party may be posted on such booth.

Specimen ballots to be posted, etc.

Political party, enrolment of voters. 1911, 550, § 13.

SECTION 110. When, in a primary, a voter seeks to pass the guard rail, he shall be asked by one of the ballot clerks, with which political party he desires to be enrolled, and the ballot clerk upon reply shall distinctly announce the name of such political party and give him such political party ballot. The voter's selection shall be checked on the voting list used by the ballot clerk and such list shall be returned to the election commissioners in Boston, or to the city clerk in any other city, or to the town clerk in towns, for preservation during the next succeeding five calendar years. The party enrolment of voters on such voting lists, and all subsequent party enrolment of voters, shall be transferred each year to the voting lists used at subsequent primaries, providing the names of such voters have been entered, in Boston, in the annual register prepared by the election commissioners from the police lists, and in other cities and in towns, in the annual register prepared from the assessors' lists.

Voters enrolled in one political party not to receive the ballot of another political party except, etc. 1911, 550, § 14.

SECTION 111. No voter enrolled at a primary shall be allowed to receive the ballot of any political party except that with which he is so enrolled, but he may establish, change or cancel his enrolment by appearing in person before the election commissioners in Boston, the city clerk in any other city, or the town clerk in towns, and requesting in writing to have his enrolment changed to another party, or

cancelled: *provided*, that such change or cancellation shall not take effect until the expiration of ninety days after the voter so appears. No voter enrolled as a member of one political party shall be allowed to receive the ballot of any other political party, upon a claim by him of erroneous enrolment, except upon a certificate of such error from the election commissioners or board of registrars, as the case may be, which certificate shall be presented to the presiding officer of the primary and preserved as part of the records of such primary; but the political party enrolment of a voter shall not preclude him from receiving at a city or town primary the ballot of any municipal party, though in no one primary shall he receive more than one party ballot. All party enrolments at city or town primaries prior to the passage of this act are hereby cancelled.

Proviso.

Certain party enrolments cancelled.

SECTION 112. In the counting of votes when the ballots are removed from the ballot box, they shall first be sorted into piles, one for each party, and each pile shall be counted and sealed separately. Votes shall be counted only for nominations of the party on whose ballot they appear.

Counting of votes. 1907, 560, § 157.

Provisions applying to State Primaries.

SECTION 113. The nomination of candidates of political parties for all offices to be filled at a state election, excepting the office of presidential elector, and the election of district members of state committees, members of ward and town committees, and of delegates to state conventions of political parties shall be by direct plurality vote in primaries.

Nominations and elections at state primaries. 1911, 550, § 1.

The number of district members of the state committee, not less than one from each senatorial district, and the number of delegates to the state convention, not less than one for each ward or town, to be elected, shall be fixed by the state committee, and the number of members of ward and town committees, not less than three for each ward and town, to be elected, shall be fixed by the city and town committees. Notice of the number of delegates and of members of committees shall be given by the state, city or town committees, as the case may be, to the secretary of the commonwealth, on or before the first day of August.

District members of state committees and delegates to state conventions, elections, etc.

Notice of number to be given to secretary of the commonwealth on or before August first.

SECTION 114. In cities or towns where the question of holding primaries by wards, precincts, or groups of precincts is determined by the aldermen or selectmen, notice of such determination shall be given to the secretary of the

Notice of determination to hold primaries by wards, precincts, or groups of

pricincts to be given to the secretary of the commonwealth. 1911, 550, § 2.

commonwealth, by the aldermen or selectmen on or before the first day of August; except that in case of primaries before special elections, such notice shall be given at least fourteen days before the primaries.

When polls shall be open. 1911, 550, § 3. 1912, 274, § 1.

SECTION 115. The polls at every state primary shall be open during such hours, not less than nine in cities or two in towns, as may be designated by the board of election commissioners in Boston, the aldermen in other cities, and the selectmen in towns.

Nominations to be by nomination papers, etc. 1911, 550, § 4.

SECTION 116. The nomination of candidates for nomination at state primaries shall be by nomination papers. In the case of offices to be filled by all the voters of the commonwealth such papers shall be signed in the aggregate by at least one thousand voters, not less than two hundred and fifty to be from each of four different counties. In the case of all other offices to be filled at a state election, by a number of voters equal in the aggregate to five voters for each ward or town in the district or county, but in no case shall more than two hundred and fifty be required.

Nomination of candidates for election.

The nomination of candidates for election at state primaries shall be made as in the case of candidates for nomination for state offices other than those to be filled by all the voters of the commonwealth.

Nomination papers, contents, etc. 1907, 560, §§ 120, 121. 1911, 550, § 5. 1912, 446, § 2, 483, § 1.

SECTION 117. Every nomination paper shall state, in addition to the name of the candidate, (1) his residence, with street and number thereof, if any, (2) the office for which he is nominated, (3) the political party which he represents, and except for candidates for ward and town committees and delegates to conventions the paper may state, in not more than eight words, the occupation of the candidate, the public offices which he has held, or that he is a candidate for renomination, provided he is at the time an incumbent of the office for which he seeks renomination for another term, but not otherwise. Every voter who signs such paper shall sign it in person, with his full surname, his Christian name, and the initial of every other name which he may have, and shall state his residence of the previous first day of April, as well as the place where he is then living, with the street and number thereof; but any voter who is prevented by physical disability from writing, or who had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, may authorize some person to write his name and residence in his presence; and every voter may sign as many nomination papers for each office

Signature, etc.

to be filled as there are persons to be nominated for or elected thereto, and no more.

To contain statement, etc.

Such papers shall also contain the statement that the signers thereof are members of the party represented by the candidate and are entitled to vote in the primaries of that party; and whoever knowingly subscribes falsely to a statement on a nomination paper shall be punished by imprisonment for not more than five days or by a fine not exceeding fifty dollars. No nomination paper, except for a delegate or delegates to a convention, shall be valid in respect to any candidate whose written acceptance is not thereon.

Penalty.

Acceptance.

Who may sign papers.

None but enrolled voters of the party represented by a candidate, and voters who are not enrolled in any party, shall be entitled to sign the nomination paper of such candidate. No nomination paper shall contain the name of more than one candidate except in the case of delegates to the state convention and members of ward and town committees.

Not to contain name of more than one candidate, except, etc.

Nomination papers to be submitted to registrars; in Boston to the election commissioners. 1911, 550, § 6, 745. 1912, 275, §§ 1, 2; 483, § 2.

SECTION 118. Every nomination paper shall be submitted on or before five o'clock in the afternoon of the Saturday preceding the day on which it must be filed to the registrars of the city or town in which the signers appear to be voters, and in Boston to the election commissioners, who shall forthwith certify thereon the number of signatures which are names of voters not enrolled in any other party than that represented by the candidate whose name appears in the nomination paper both in the city or town and in the district for which the nomination is made. They need not certify a greater number of names than are required to make a nomination, with one fifth of such number added thereto. Names not certified in the first instance shall not thereafter be certified on the same nomination papers. The secretary of the commonwealth shall not be required in any case to receive nomination papers for a candidate after receiving papers containing a sufficient number of certified names to make a nomination, with one fifth of such number added thereto. For the purpose of certifying to the names on primary nomination papers it shall be the duty of the board of registrars of voters, in Boston the election commissioners, to hold meetings on the four Saturdays next preceding the date on which such papers are required to be filed with the secretary of the commonwealth, except that such meetings shall be held on the two Saturdays next preceding the date on which the papers are required to be so filed for primaries before special elections.

Registrars and election commissioners to hold meetings to certify to names on nomination papers.

No person to be a candidate for more than one office, except, etc.

No person shall be a candidate for nomination for more than one office for which such nominations are made; but this shall not apply to candidates for membership in political committees or delegations to the state convention.

Nomination papers, preparation, etc. 1911, 550, § 7.

SECTION 119. Nomination papers for use in the nomination of candidates to be voted for at state primaries shall be prepared and furnished by the secretary of the commonwealth, upon request.

Nomination papers, last day for filing. 1911, 550, § 8. 1912, 274, § 2, 446, § 3.

SECTION 120. All nomination papers of candidates to be voted for at state primaries shall be filed with the secretary of the commonwealth on or before the fifth Tuesday preceding the day of the primaries; except in the case of primaries before special elections, when nomination papers shall be filed on or before the second Tuesday preceding the day of the primaries.

Nomination in case of death, withdrawal or ineligibility. 1911, 550, § 10.

SECTION 121. If a person nominated to be voted for at a state primary dies before the day of the primary, or withdraws his name from nomination, or is found to be ineligible, the vacancy may be filled, in the case of a candidate for nomination, by the state committee, if the candidate is one to be voted for by all the voters of the commonwealth; and in the case of all other candidates, by the members of the ward and town committees in the wards and towns comprising the respective districts, and in the case of a candidate for election, by the said ward and town committees:

Proviso.

provided, however, that the death, withdrawal or ineligibility of a candidate for nomination shall not be treated as creating a vacancy to be filled unless by reason of such vacancy there would be no candidate for the party nomination for the office.

Time of filing vacancies caused by withdrawal. 1907, 560, § 181.

SECTION 122. In cases of withdrawal nominations to fill vacancies shall be filed with the secretary of the commonwealth within seventy-two week-day hours succeeding five o'clock in the afternoon of the last day for filing withdrawals.

To be open to objections.

They shall be open to objections in the same manner, so far as practicable, as other nominations.

No vacancy to be filled before withdrawal is filed.

No vacancy caused by withdrawal shall be filled before the withdrawal has been filed.

No ballots to be counted before close of polls. 1911, 550, § 15.

SECTION 123. No ballots cast at a state primary shall be counted until the close of the polls.

Canvass and returns of votes, etc. 1911, 550, § 16. 1912, 261.

SECTION 124. Upon the receipt of the records of votes cast at state primaries the city or town clerk or election commissioners shall forthwith canvass the same and make return of the votes for candidates for nomination for state

offices, and for election as members of the state committee, to the secretary of the commonwealth, who shall forthwith canvass such returns, determine the results thereof, notify the successful candidates, and certify to the state committees the names of the persons nominated for state offices and elected as members of the state committees.

Said clerks or commissioners shall determine the results of the vote for delegates to the state conventions and members of ward and town committees, issue proper certificates thereof to the successful candidates, and notify the chairmen of the city and town committees of the respective parties.

Determination of results of vote for delegates and members of ward and town committees.

SECTION 125. In case of a tie vote for any candidate for nomination for an office to be filled by all the voters of the commonwealth the vacancy shall be filled by the state committee.

Tie vote for candidates for nomination for offices to be filled by all the voters, vacancy, etc. 1907, 560, § 103. 1911, 550, § 17.

In case of a tie vote for any other candidate for nomination the vacancy shall be filled by the members of the ward and town committees in the wards and towns comprising the districts for which the nominations are to be made. If there is a tie vote for delegates to a convention, or a place unfilled in a delegation, or a vacancy occasioned by inability or neglect of a delegate elected to attend a convention, such vacancies shall be filled only by vote of the remaining members of the delegation at a meeting called for the purpose. Such meeting shall choose a chairman and secretary, and the secretary shall notify the secretary of the convention of the action taken relative to such vacancy, except that, if only one delegate or two delegates were to be elected, the delegate or the remaining delegate, as the case may be, shall fill such vacancy and notify the secretary of the convention of such action.

Tie vote for other candidates for nomination, vacancy, etc.

Delegates to conventions, tie vote, vacancies, etc.

If there is a tie vote for members of a ward or town committee, the members elected shall fill the vacancy.

Tie vote for members of committee, etc.

If a majority of a delegation, or of a ward or town committee, is not elected the vacancy shall be filled by the ward or town committees.

Vacancy when a majority of a delegation or committee are not elected, etc.

All vacancies caused by ties shall be filled only by the choice of one of the candidates receiving the tie vote.

Vacancies caused by ties, how filled.

SECTION 126. A political party may, upon the call of its state committee, but not earlier than one week nor later than two weeks, after the holding of the primaries, hold a state convention for the purpose of adopting a platform, electing such number of members at large of the state committee as may be fixed by the state committee, nominating

State conventions of political parties, calling, etc. 1911, 550, § 18. 1912, 265.

presidential electors, and for such other purposes not inconsistent with this act as the state committee or the convention may determine. Such convention shall consist of the delegates elected at the state primary (in number not less than one for each ward and town), the members of the state committee, the United States senators from Massachusetts who are members of the party, the nominees of the party for all offices to be filled at the state election, and in years in which no elections are held for such offices, the incumbents of those offices who are members of the party.

Secretary of the commonwealth may employ temporary clerical assistance. 1911, 550, § 19.

SECTION 127. The secretary of the commonwealth may employ such temporary clerical assistance as he may deem necessary to carry out the provisions of this act relative to primaries: *provided, however,* that the provisions of chapter nineteen of the Revised Laws and the civil service rules made thereunder shall not apply to such employment.

Proviso.

Provisions applying to City and Town Primaries.

Primaries for the nomination of candidates to be voted for at city and town elections. 1907, 560, § 144. 1909, 486, § 52.

SECTION 128. All primaries of political and municipal parties for the nomination of candidates to be voted for at city and town elections in cities, and in towns using official ballots, which vote that primaries shall be held therein, shall be conducted in general accordance with the provisions of law concerning primaries.

Question of adoption or revocation to be submitted to voters upon petition. 1907, 560, § 145.

SECTION 129. In any city or town which has adopted the provisions of law for nominating by primaries, the following question shall be put on the official ballot at any city election or annual town meeting on petition of five per cent of the voters registered at the time of the preceding city election or annual town meeting, filed with the city or town clerk on or before the last day of filing nomination papers: — "Shall primaries for the nomination of candidates to be voted for at city (or town) elections continue to be held in this city (or town)?" In any city or town not nominating by primaries the following question may, by similar petition, be put on the ballot at the next city election or annual town meeting: — "Shall primaries for the nomination of candidates to be voted for at city (or town) elections be held in this city (or town)?" In the event of an affirmative or negative vote on these questions, such primaries shall or shall not thereafter be held accordingly.

Secretary of the commonwealth to be notified.

Clerks of cities or towns which vote to hold primaries or to rescind such action shall forthwith notify the secretary of the commonwealth of such vote.

Notices of intention to participate in primaries to be furnished. 1907, 560, § 146.

SECTION 130. Notices of intention to participate in primaries shall be furnished by the city and town committees of such political and municipal parties as are entitled to and desire to participate therein not less than twenty-two days prior to the day on which the primaries are to be held, to the city clerk in cities or the town clerk in towns.

Blank nomination papers to be provided, etc. 1907, 560, § 119.

SECTION 131. The city or town shall provide, and the city or town clerk shall seasonably prepare, blank nomination papers for use in the nomination of candidates to be voted for at city or town primaries. Such papers shall state the place where, and the day and hour prior to which, signed nomination papers shall be filed.

Nominations to be made by nomination papers, etc. 1907, 560, § 120.

SECTION 132. Nominations of candidates for elective offices, to be voted for at a primary, shall be made by nomination papers, as hereinafter provided. Such nominations shall be made on the blank nomination papers prepared in accordance with the preceding section; and no nomination paper offered for filing shall be received or shall be valid to which is attached any card, paper or other device containing the name of a candidate, his written acceptance, or the signature of any voter required by this section. Such papers shall be signed in person by at least five voters of the ward or town in which the primary is to be held, who shall add to their signatures the street and number, if any, of their residences. Such papers for a district composed of more than one ward shall be signed by a number of voters equal in the aggregate to not less than five voters for each ward in said district. Nomination papers shall not contain a larger number of names of candidates than there are persons to be elected. No nomination paper shall be valid in respect to any candidate whose written acceptance is not thereon. No vacancy caused by the death, withdrawal or ineligibility of any candidate shall be filled, unless the person entitled to fill such vacancy files the written acceptance of the candidate who is nominated to fill the vacancy.

Signatures, etc.

Acceptances.

Nomination papers, contents, etc. 1907, 560, §§ 120, 121. 1911, 550, § 5.

SECTION 133. Every nomination paper shall state, in addition to the name of the candidate, (1) his residence, with street and number thereof, if any, (2) the office for which he is nominated, (3) the political or municipal party which he represents, and the paper may state, in not more than eight words, the occupation of the candidate, the public offices which he has held, or that he is a candidate for renomination, provided he is at the time an incumbent of the office for which he seeks renomination for another term,

Signatures.

but not otherwise. Every voter who signs such paper shall sign it in person, with his full surname, his Christian name, and the initial of every other name which he may have, and shall state his residence of the previous first day of April, as well as the place where he is then living, with the street and number thereof; but any voter who is prevented by physical disability from writing, or who had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, may authorize some person to write his name and residence in his presence; and every voter may sign as many nomination papers for each office to be filled as there are persons to be nominated for or elected thereto, and no more.

To contain statement, etc.

Such paper shall also contain the statement that the signers thereof are members of the party represented by the candidate and are entitled to vote in the caucuses or primaries

Penalty.

of that party; and whoever knowingly subscribes falsely to a statement on a nomination paper shall be punished by imprisonment for not more than five days or by a fine not exceeding fifty dollars.

Nomination papers to be filed with city or town clerk. 1907, 560, § 122. 1913, 559.

SECTION 134. All nomination papers of candidates to be voted for at city or town primaries shall be filed with the city or town clerk not less than ten week days previous to the day on which the primary is to be held for which the nominations are made. Every such nomination paper

To be submitted to registrars, etc.

shall be submitted at or before five o'clock in the afternoon of the Saturday preceding the day on which it must be filed to the registrars of the city or town in which the signers appear to be voters, and the registrars shall forthwith certify thereon a number of signatures which are names of voters not enrolled in any other party than that represented by the candidate whose name appears in the nomination papers both in the city or town and in the district for which the nomination is made. They need not certify a greater number of names than are required to make a nomination with one fifth of such number added thereto. Names not certified in the first instance shall not thereafter be certified on the same nomination papers. The city or town clerk shall not be required, in any case, to receive nomination papers for a candidate after receiving papers containing a sufficient number of certified names to make a nomination, with one fifth of such number added thereto.

Vacancies, how filled. 1907, 560, § 126.

SECTION 135. In case of a vacancy caused by the death, withdrawal or ineligibility of a candidate, the person who

filed the nomination paper placing such candidate in nomination may fill the vacancy by presenting a new name on a nomination paper signed by himself with his own hand. If such vacancy was caused by withdrawal the nomination paper shall be filed within twenty-four week-day hours succeeding five o'clock of the last day for making withdrawals.

Polls to be open during certain hours. 1907, 560, § 155.

SECTION 136. The polls at every such primary shall be open during such hours, not less than nine in cities or four in towns, as may be designated by the aldermen of cities, and the selectmen of towns.

Canvass of returns of votes, etc. 1907, 560, § 158.

SECTION 137. City clerks in cities, and town clerks in towns, shall canvass the returns of votes, determine the results, and issue proper certificates thereof to the successful candidates.

Provisions applying to Presidential Primaries.

Delegates to national conventions to be elected by direct plurality vote. 1912, 254, § 1.

SECTION 138. In any year in which candidates for presidential electors are to be elected, the election of delegates and of alternate delegates to national conventions of political parties shall be by direct plurality vote in primaries.

Number to be fixed by state committee.

The number of district delegates and the number of district alternate delegates, not less than one from each congressional district, and the number of delegates and alternate delegates at large, shall be fixed by the state committee.

Notice to be given to secretary of the commonwealth.

Notice of the number of delegates to be elected shall be given to the secretary of the commonwealth on or before the third Wednesday in March by the state committee of each political party which intends to participate in such primaries.

Notice of determination to hold primaries by wards, precincts or groups of precincts to be given to secretary of the commonwealth. 1912, 254, § 2.

SECTION 139. In cities and towns where the question of holding primaries by wards, precincts or groups of precincts is determined by the aldermen or selectmen, notice of such determination shall be given to the secretary of the commonwealth by the aldermen or selectmen on or before the third Wednesday in March.

Candidates for president and vice president of the United States to be placed upon ballots. 1912, 254, § 3.

SECTION 140. In primaries at which delegates to national conventions of political parties are elected, the secretary of the commonwealth shall cause to be placed first upon the ballots of such political party the names of candidates for the nomination by such political party for the office of president of the United States and of vice president of the United States, arranged, under separate headings for each office, alphabetically according to their surnames, and each voter may express his preference for such candidates in the

same manner as in voting for candidates for state offices to be voted for by all the voters of the commonwealth.

Nominations to be by nomination papers, etc.

The nomination of candidates for nomination for the office of president of the United States and of vice president of the United States shall be made by nomination papers as in the case of offices to be filled by all the voters of the commonwealth.

Canvass and return of votes for delegates, etc.

Upon the receipt of the records of votes cast at presidential primaries the city or town clerk or election commissioners shall forthwith canvass the same and make return thereof to the secretary of the commonwealth, who shall forthwith canvass such returns for delegates, determine the results thereof, and notify the successful candidates.

Canvass and return of votes for preference, etc.

The votes cast for preference shall be returned and canvassed in the same manner as in the case of votes for state offices to be filled by all the voters of the commonwealth, and the secretary of the commonwealth shall forthwith certify the result to the state committees of the respective political parties.

Vacancy in delegation to a national convention, how filled.

SECTION 141. In case of a vacancy caused by the death, withdrawal or ineligibility of a candidate for delegate to a national convention the vacancy may be filled in such manner as may be provided on the nomination paper placing such candidate in nomination: *provided, however,* that such provision is clearly stated on such paper before the signature of any voter is entered thereon. When no such provision is made the remaining candidate or candidates nominated by the same nomination paper may fill the vacancy. In the case of a withdrawal, such vacancy must be filled by filing in the office of the secretary of the commonwealth, within seventy-two week-day hours succeeding five o'clock in the afternoon of the last day for filing withdrawals, a statement in writing signed by the person or persons authorized to fill the vacancy giving the name and residence of the candidate nominated accompanied by the written acceptance of such candidate.

Proviso.

Certain provisions of law to apply. 1912, 254, § 4.

SECTION 142. The provisions of law relating to primaries not inconsistent with the three preceding sections shall apply to presidential primaries so far as is practicable.

Provisions applying to All Caucuses of Political Parties.

Caucuses may be held by precincts, or groups of precincts in certain cases.

SECTION 143. If in a city, except Boston, or town wherein elections are held by precincts, the city or town committee of either of the two leading political parties shall file with the

aldermen or selectmen, at least two weeks prior to the time of holding its caucuses, a notice that such party desires to hold its caucuses by precincts, or by groups of precincts in any ward, the aldermen or selectmen shall furnish a polling place in each precinct for the use of such party, as provided in section one hundred and sixty-one, and the caucuses of such party shall be held accordingly. 1907, 560, § 97. 1911, 378.

Caucuses relative to special elections. 1907, 560, § 99.

SECTION 144. Caucuses relative to a special election shall be held at such time and place and subject to such reasonable notice as the political committee whose duty it is to provide for holding the same may determine. Calls therefor shall be issued by the chairman and secretary of said political committee.

Calling of caucuses, etc. 1907, 560, § 100.

SECTION 145. Every caucus of a political party shall be called by a written or printed notice. No caucus or meeting of a political party not so called shall be recognized as valid under this title. It shall be the duty of the presiding officer at a caucus to open such caucus at the hour appointed therefor in the notice thereof.

Notices of caucuses to apply only to members of political party calling them, etc. 1907, 560, § 101.

SECTION 146. Notices of caucuses shall apply to all members of the political party calling them, and to them only. No person having voted in the caucus of one political party shall be entitled to vote or take part in the caucus of another political party within the ensuing twelve months. Except that voting or taking part in the caucuses of any municipal party by any voter shall not affect his legal right to vote or to take part in the caucuses of any other political party, for any other election; and having voted or taken part in the caucuses of another political party for any previous election, shall not affect his right to vote or take part in the caucuses of any municipal party. No voter shall be prevented from voting or participating in any caucus if he takes the following oath which shall be administered to him by the presiding officer of the caucus:

Voter may take oath.

Form of oath.

You do solemnly swear (or affirm) that you are a registered voter in this ward (or town) and have the legal right to vote in this caucus; that you are a member of the political party holding the same, and intend to vote for its candidates at the polls at the election next ensuing; and that you have not taken part or voted in the caucus of any other political party for twelve months last past.

Person whose right to vote is challenged to take oath, etc.

Such voter may be challenged like any other voter. Any person whose right to vote is challenged for any cause recognized by law shall not be permitted to vote until he has

Record to be made, etc.

taken the foregoing oath; and the clerk or secretary of the caucus shall make a record of the administration of said oath to every person who takes the same, which record shall state whether or not said person voted. Said record shall be returned with the proceedings of said caucus and shall be prima facie evidence in any court that such person took said oath and voted in said caucus.

Voting lists to be used. 1907, 560, § 102.

SECTION 147. In balloting, the voting lists furnished under the provisions of section sixty-seven shall be used as check lists and no person shall be entitled to vote or to take part in a caucus whose name does not appear upon said lists.

Persons to be declared elected or nominated. 1907, 560, § 103.

SECTION 148. The persons receiving the highest number of votes in a caucus shall be declared elected or nominated.

Tie vote for caucus officers.

If there is a tie vote for caucus officers, the caucus officers elected shall fill the vacancy.

Proceedings in case of a tie vote for an elective office, etc.

If a majority of caucus officers is not elected, or there is a tie vote for candidates for an elective office, the caucus shall at once proceed to another ballot unless some one present entitled to vote objects; in which case the caucus shall adjourn to any subsequent day. The hour and place shall, if practicable, be the same as that named in the call.

Certificates of election, etc. 1907, 560, § 104.

SECTION 149. The presiding officer and secretary or clerk of each caucus shall within three week days after its final adjournment deliver or send to each caucus officer a certificate of his election, and to each candidate for an elective office a notice of his nomination.

Returns of caucuses at which direct nominations are made, determination of results. 1907, 560, § 105. 1911, 353.

SECTION 150. Returns of all caucuses of political parties at which are made any direct nominations for a district comprising more than one ward, or where caucuses are held in one precinct or by groups of precincts in any ward, shall be made according to the provisions of section one hundred and seventy-nine. The registrars of voters shall canvass said returns and determine the results thereof. Recounts of ballots shall be made as provided in section one hundred and eighty-one.

Tie vote in cases of direct nomination, how filled. 1907, 560, § 106.

SECTION 151. If there is a tie vote for any candidate of a political party nominated directly for any office, for a district comprising more than one ward, the vacancy shall be filled by a regularly elected general or executive committee representing the election district in which such vote has been cast, but the vacancy shall be filled only by the choice of one of the candidates receiving such tie vote.

Provisions applying to Caucuses of Political Parties at which Official Ballots are not used.

Polling places to be provided, etc. 1907, 560, § 108.

SECTION 152. At least two weeks prior to the date on which caucuses are to be held, the chairman or secretary of the city or town committee shall notify the aldermen or the selectmen respectively of such date, and said aldermen or selectmen shall, at the expense of the city or town, provide polling places for said caucuses, in case of a city, not less than one for each ward; and shall, at least ten days prior to the date of said caucus, give said chairman or secretary notice of the places so provided.

Notices of caucuses. 1907, 560, § 109.

SECTION 153. Notice of caucuses, signed by the chairman and secretary, shall be issued by each city and town committee not less than seven days prior to the day on which they are to be held. The notices shall state the place where, and the day and hour when, the several caucuses are to be held. They shall be conspicuously posted in at least five places on the highways or streets, and if practicable, in every post office in the city or town, or shall be published at least twice in one or more local newspapers, if there are any. The hour fixed for calling the caucus to order shall not be later than eight o'clock in the evening. The notice shall designate by name or office the person who shall call such caucus to order, and he shall preside until a chairman is chosen. If he is absent at the time appointed, any member of the ward or town committee present shall call the caucus to order and preside until a chairman is chosen. The first business in order shall be the choice of a chairman, a secretary and such other officers as the meeting may determine.

First business.

Certain persons not to serve as caucus officers.

No person shall serve as a caucus officer at any caucus in which he is a candidate for a nomination to an elective office.

Ballot to be taken, etc. 1907, 560, § 110.

SECTION 154. A ballot shall be taken for the choice of any candidate, to be selected by such caucus, and the polls shall be kept open at least thirty minutes.

Ballots and check lists to be transmitted to city or town clerk. 1907, 560, § 111.

SECTION 155. The secretary of each caucus shall forthwith, after the ballots cast therein have been counted, transmit the said ballots and the check list used at the caucus to the city or town clerk, as the case may be, who shall preserve them for ten days. If during said time ten voters entitled to vote in said caucus shall file with said clerk a written request so to do, he shall preserve the ballots and voting lists for three months, and shall produce the same

Ballots, etc., to be preserved, etc.

if required by any court of justice having jurisdiction or authority over the same.

In case of contest, etc., ballots to be preserved until finally determined.

If within three week days after any caucus a person who has received votes thereat for nomination or election to any office, shall file a statement in writing with the said clerk, claiming an election or nomination or declaring an intention to contest the election or nomination of any other person, the clerk shall preserve the ballots for such nomination or office until the claim or contest has been finally determined.

Recount of ballots.

The clerk shall immediately give notice in writing to the persons affected and to the chairman and secretary of the caucus, fixing a time within twenty-four hours thereafter and a place at which said ballots will be recounted. The chairman and secretary of the caucus shall, at said time and place, recount said ballots and determine the questions raised. Each candidate affected may be present during such recount, or may be represented by an agent appointed by him in writing. If it shall appear upon a recount that persons were nominated or elected other than those declared to have been nominated or elected, certificates of such change shall be made as in the case of the original certificate.

Provisions applying to Caucuses of Political Parties at which Official Ballots are used.

Calling, etc., of caucuses at which official ballots are used. 1907, 560, § 112.

SECTION 156. All caucuses for the election of caucus officers, or for the nomination of candidates for any city or town office in any city or town held by a political party which has adopted the provisions of law for the use of official ballots shall be called and held as hereinafter provided.

Calling of caucuses for purpose of voting on question of adoption. 1907, 560, § 113.

SECTION 157. Any city or town committee shall, at the written request of fifty voters, members of its party, call caucuses of said party to determine by ballot whether the provisions of law for the use of official ballots shall be adopted. The notice of said caucus shall state the purpose for which it is called, the place, the day and the hour, not earlier than six o'clock and not later than half-past seven o'clock in the evening, of holding said caucus. It shall be issued at least seven days prior to the day named therefor, and shall be published at least twice in one or more local newspapers, if there are any, and shall be posted in at least five public places in each ward or town. The polls shall be kept open at least one hour. If said caucuses shall vote to adopt said provisions, all caucuses of said political

party in said city or town shall thereafter be called and conducted accordingly.

Acceptance may be revoked, etc. 1907, 560, § 114.

SECTION 158. A political party in a city or town which has accepted said special provisions may, not less than one year after the date of the caucus wherein such provisions were adopted, revoke such action at a caucus called and held in the manner provided in the preceding section. Upon the adoption of said provisions or upon the revocation of such adoption, the secretary of the city or town committee of such political party shall, within ten days thereafter, file with the secretary of the commonwealth and with the clerk of the city or town and the secretary of the state committee of the political party so voting, a notice thereof.

Notice of action to be filed.

Certain caucuses to be held on same day. 1907, 560, § 115.

City or town committee to fix days, etc.

SECTION 159. All such caucuses of a political party for the choice of candidates for a city or town election, except caucuses relating to a special election, shall be held on the same day in each city and town. The city or town committee shall fix the days for holding all caucuses mentioned in this section, and all calls for the same shall be issued by its chairman and secretary.

Party first filing copy of call entitled to precedence.

No two political parties shall hold their caucuses on the same day. The party first filing a copy of the call for a caucus with the city or town clerk, shall be entitled to precedence as to the day so fixed.

Notices of caucuses to contain certain information, etc. 1907, 560, § 116.

SECTION 160. Notice of caucuses in said cities or towns shall state the place where and the day and hour when nomination papers shall be issued; the place where and the earliest day and hour when such nomination papers may be filed, which time shall be not less than twenty-four week-day hours succeeding three o'clock of the day fixed for issuing such papers; the place where and the day and hour prior to which such nomination papers shall be filed; and the day on which the several caucuses will be held, and shall be issued not less than eighteen days prior thereto.

Polling places, etc., to be provided. 1907, 560, § 117. 1911, 517.

SECTION 161. At least two weeks prior to the day named for a caucus, the chairman or secretary of the city or town committee shall give notice of such date to the aldermen or to the selectmen, who shall, at least ten days prior to such date, notify the city or town committee of the places selected for holding the caucuses, and shall, at the expense of the city or town, provide polling places, in a city not less than one for each ward, and in cities and towns where elections or caucuses are held in voting precincts, one in each of such precincts, as the city or town committee shall designate,

but not less than one for each ward, and furnish them with booths, registering ballot boxes, guard rails and the like, as they are arranged for state elections, also postage for mailing credentials and notices or certificates of nomination and election.

Voting may proceed in two or more lines in certain cases.

If twenty-five voters of a ward or of a town shall request in writing at least twelve days before any caucus of the political party to which they belong, the aldermen or selectmen shall so arrange the polling place of such ward or town as to allow voting to proceed in two or more lines at the caucus.

Seven days' notice to be given by city and town committee, etc. 1907, 560, § 118.

SECTION 162. At least seven days prior to the day named for a caucus, the city or town committee shall issue a notice that such caucus will be held, stating the place, the day and the hour of holding the same. The hour shall not be earlier than two o'clock in the afternoon nor later than half-past seven o'clock in the evening. Notices relative to the filing of nomination papers or for caucuses shall be published at least twice in one or more local newspapers if there are any.

Blank nomination papers to be provided, etc. 1907, 560, § 119.

SECTION 163. The city or town shall provide, and the city or town clerk shall seasonably prepare, for each political party, blank nomination papers for use in the different wards of the city or in the town. Such papers shall state the place where, and the day and hour prior to which, signed nomination papers shall be filed. On the back of each, sections one hundred and sixty-four to one hundred and seventy, inclusive, shall be printed. They shall be delivered to the chairman or secretary of the political committee for whose use they have been prepared, and to no other person.

Nominations to be made by nomination papers, etc. 1907, 560, § 120.

SECTION 164. Nominations of candidates for elective city or town offices and for caucus officers to be voted for at a caucus, shall be made by nomination papers, as hereinafter provided. Such nominations shall be made on the blank nomination papers prepared and delivered in accordance with the preceding section; and no nomination paper offered for filing shall be received or shall be valid to which is attached any card, paper or other device containing the name of a candidate, his written acceptance, or the signature of any voter required by this section. Such papers shall be signed in person by at least five voters of the ward or town in which the caucus is to be held, who shall be members of the political party holding the caucus, and who shall add to their signatures the street and number, if any, of their residences. Such papers for a district composed of more

Signatures, etc.

than one ward shall be signed by a number of voters equal in the aggregate to not less than five voters for each ward in said district. Nomination papers shall not contain a larger number of names of candidates than there are persons to be elected. No nomination paper shall be valid in respect to any candidate whose written acceptance is not thereon. No vacancy caused by the death, withdrawal or ineligibility of any of the above candidates shall be filled in the manner provided by law, unless the person entitled to fill such vacancy files the written acceptance of the candidate who is nominated to fill the vacancy.

Acceptance to be on nomination papers, etc.

SECTION 165. The nomination paper for an elective office shall give the name of the candidate, the street and number, if any, of his residence, and may, in not more than eight words, state his occupation, the public offices he has held or that he is a candidate for renomination, provided that he is at the time an incumbent of the office for which he seeks renomination for another term, but not otherwise.

Certain information may be given concerning candidates for elective office. 1907, 560, § 121. 1910, 200.

The nomination paper of a candidate for a caucus office shall state the street and number, if any, of his residence.

Candidates for caucus offices, etc.

SECTION 166. All nomination papers shall be sealed up and filed in the office of the secretary of the city or town committee not less than ten week days previous to the day on which the caucus is to be held for which the nominations are made, and the secretary shall indorse upon them the time at which they are received by him. They shall not be opened until the time for their filing has expired, when the secretary, at his office, shall publicly open them and publicly announce the nominations therein made.

Nomination papers to be sealed up and filed ten week days before caucus, etc. 1907, 560, § 122.

To be publicly opened, etc.

SECTION 167. The secretary of the city or town committee shall immediately give notice to the person filing the nomination paper of any error, irregularity or informality appearing therein, and such person may, within two week days after the time when the nomination papers were opened, correct the same, or said secretary may make such correction.

Correction of errors, etc. 1907, 560, § 123.

SECTION 168. If, in a city, nomination papers placing persons in nomination for all the offices to be filled at a caucus in any ward are not filed, the secretary of the city committee shall forthwith notify the chairman or secretary of the committee of such ward, who shall forthwith call a meeting of said committee, which may nominate candidates for all offices for which nomination papers have not been filed, and shall immediately file with the secretary of the city committee nomination papers signed by all the members

Proceedings in cities when papers are not filed. 1907, 560, § 124.

Ward committee may nominate.

of the committee who agree to the nominations therein made. In case of disagreement two sets of such nomination papers may be filed. If, at the expiration of two week days after the time at which nomination papers were opened, proper nomination papers have not been filed for all the offices to be filled, or upon any vacancy caused by death or otherwise, except a withdrawal, the chairman and secretary of the city committee may file nomination papers for such offices or vacancies.

Two sets of papers may be filed in case of disagreement, etc.

Proceedings in towns when papers are not filed, etc. 1907, 560, § 125.

SECTION 169. If, in a town, nomination papers placing persons in nomination for all the offices to be filled at a caucus are not filed, or upon a vacancy by death or otherwise, except a withdrawal, the chairman or secretary of the town committee shall forthwith call a meeting of said committee, which shall have all the powers relative to the nomination of candidates conferred in the preceding section upon a ward committee and the chairman and secretary of a city committee.

Withdrawals. 1907, 560, § 126. 1910, 182.

SECTION 170. A person who is nominated by a nomination paper may, within forty-eight week-day hours succeeding five o'clock of the day fixed for opening nomination papers, withdraw his name from nomination by a request in writing signed by him with his own hand and filed with the secretary of the city or town committee. Thereupon, the secretary shall immediately give notice of such withdrawal and of the provisions of this section to the person who filed such nomination paper, and such person may, within twenty-four week-day hours succeeding five o'clock of the last day fixed for making withdrawals, present a new name on a nomination paper signed by himself with his own hand; otherwise the chairman and secretary of the city or town committee may file nomination papers for the vacancy. If at any time subsequent to the expiration of the time for filling vacancies it shall appear that a vacancy has been created by death, the chairman of the city or town committee may file with the city or town clerk a new name to fill such vacancy; and if the time is sufficient therefor the new name shall be printed upon the official ballot.

Filling of vacancies.

Certain vacancies caused by death, how filled, etc.

Nomination papers to be delivered to city or town clerk. 1907, 560, § 127.

SECTION 171. Not less than seven week days before the day upon which the caucuses are to be held and before five o'clock in the afternoon of the last day, the secretary of each city or town committee shall deliver to the city or town clerk the nomination papers filed with him.

SECTION 172. If an error or informality is found in any nomination paper, it shall be forthwith returned to the secretary of the committee by whom it was filed, for correction; and if it is not corrected and again filed before five o'clock in the afternoon of the day following its return to said secretary, it shall be void. Correction of errors, etc. 1907, 560, § 128.

SECTION 173. Objections to nomination papers, and all other questions relating thereto, shall be considered in cities by the board of registrars, the city clerk and the city solicitor; and in towns by the board of registrars. Objections to nomination papers, etc., by whom considered. 1907, 560, § 129.

SECTION 174. Ballots for each political and municipal party, ballot boxes, voting lists, specimen ballots, blank forms and apparatus, seals and record books, shall be provided and treated in accordance with the provisions of sections one hundred and four to one hundred and nine inclusive, so far as is applicable, except as follows: The chairman and secretary of the city or town committee may determine the number of ballots to be provided for each ward or town, not exceeding one for each voter therein. If they fail so to do, the city or town clerk shall determine the number. Cities and towns to provide ballots, etc. 1907, 560, §§ 130, 150. Number of ballots, how determined.

SECTION 175. On the back and outside of each ballot when folded shall be printed the words "Official ballot of the (here shall be inserted the party name)", followed by the number of the precinct and ward or the name of the town for which the ballot is prepared, the date of the caucus and a facsimile of the signature of the secretary of the political committee. Form of official ballot, etc. 1907, 560, § 131.

Ballots shall be printed on white paper.

Names of candidates for caucus officers shall be arranged in groups in the order in which they are filed.

Against the name of a candidate for an elective or caucus office shall be printed the street and number, if any, of his residence.

A star (*) against a name shall indicate that a person is a candidate for re-election.

SECTION 176. Caucuses, except as herein otherwise provided, shall be held in general accordance with the provisions of law for the conduct of elections and the manner of voting thereat. Certain provisions of law to apply. 1907, 560, § 134.

SECTION 177. The order of business shall be as follows: — Order of business. 1907, 560, § 135.

First, Any necessary preliminary business.

Second, Balloting until half-past eight o'clock in the evening, when the polls shall be closed unless the caucus

shall vote to keep them open until a later hour; but every voter waiting in line at the hour for closing the polls shall be allowed to vote.

Third, After the polls have been closed, any other business which is properly before the caucus.

Challenging of voters, etc. 1907, 560, § 136.

SECTION 178. If the right of a person offering to vote is challenged for any legal cause, the presiding officer shall require him, or some one in his behalf, to write his name and residence on the outside of the ballot offered, and before it is received the presiding officer shall add thereto the name of the person challenging and the cause alleged for the challenge; but no caucus officer shall receive any ballot which by law he is required to refuse. No officer or other person shall give any information in regard to a ballot cast by a challenged voter unless required by law so to do.

Counting of ballots, etc. 1907, 560, § 137.

SECTION 179. Immediately after the polls have been declared closed, but not before, the ballots shall be counted in full view of the voters. When they have been counted and the result has been ascertained, the presiding officer shall make public announcement thereof in open meeting, and the clerk shall, in open meeting, enter in words at length in the record book, the total number of names checked on the voting list, the total number of ballots cast, the names of all persons voted for, the number of votes for each person, and the title of the office for which he was a candidate.

Clerk to make copy of record, seal up ballots, etc.

The clerk shall forthwith make a copy of said record, certify and seal the same, and transmit it to the city or town clerk. He shall then, before the adjournment of the caucus, and in the presence of those who counted the same, seal up all ballots cast, with the voting lists used, and a statement of any challenge which may have been made.

Package to be indorsed and transmitted to city or town clerk, etc.

The warden and clerk shall indorse upon such package the name of the political party holding the caucus, its date, its purpose, and, if in a city, for what ward the ballots were cast. The warden shall forthwith transmit, by the officer detailed to attend the caucus, to the city or town clerk, the ballots cast, the voting lists, the ballot boxes, the ballot box seals, the counting apparatus, the copy of the records, and the record book.

Sealed packages to be kept, etc.

The city or town clerk shall safely keep such sealed packages for ten days. If within said time ten voters entitled to vote in said caucus file with them a written request so to do, they shall preserve said ballots and voting lists for three months and shall produce them if required

by any court having jurisdiction or authority over the same.

Certified copy of voting list as checked may be furnished. 1907, 560, § 133.

SECTION 180. The city or town clerk, upon written application, signed by at least ten voters of a ward or town, for a copy of a list as checked, may open the envelope containing the voting list used at any caucus in such ward or town and shall furnish to them a certified copy thereof as checked.

Recount of ballots, etc. 1907, 560, § 139. 1909, 440, § 2.

SECTION 181. If before five o'clock in the afternoon of the second day next succeeding the day of any caucus, ten or more voters of any town or ward shall sign, adding thereto their respective residences on the first day of April of that year, and file with the city or town clerk, a statement under oath that the records and returns made by the caucus officers of such town or ward are erroneous, specifying the error, or that challenged votes were cast by persons not entitled to vote therein, said city or town clerk shall forthwith transmit such statement to the registrars of voters with the sealed package containing the ballots and voting lists, and said registrars shall give notice in writing to the person affected, fixing a place and time, as early as may be, at which said ballots will be recounted and at such place and time shall open the packages containing the ballots and voting lists and recount said ballots and determine the questions raised, and shall reject any challenged vote cast by a person found not to have been entitled to vote; and such recount shall stand as the true result of the vote cast in such caucus. Each candidate affected may be present during such recount, or may be represented by an agent appointed by him in writing. If it shall appear upon a recount that persons were nominated or elected other than those declared to have been nominated or elected, certificates of such change shall be made as in the case of the original certificate.

Caucus officers, election, etc. 1907, 560, § 140. 1911, 735.

SECTION 182. At the caucus held for the choice of candidates for a city or town election there shall be chosen annually a warden, a clerk, and at least five inspectors, and, in wards having more than five precincts, such additional inspectors as the city committee of the political party whose caucuses are to be held may determine. They shall be voters of the ward or town in which they are elected and members of the political party whose caucus is to be held. No person shall be eligible to the position of warden or clerk or inspector who is a state, county or city employee, or

Certain persons not eligible, etc.

who is a member of a ward or town committee, and no person shall serve as a caucus officer at any caucus wherein he is a candidate for a nomination to an elective office. Every caucus officer shall hold office for one year, beginning with the first day of the month succeeding his election, and until his successor is elected. He shall, before entering upon the performance of his duties, be sworn to the faithful performance thereof by the warden, clerk, or a justice of the peace, and a record of such oath shall be made upon the record book of such caucus. The respective duties of caucus officers shall be in general the same as are required of election officers at elections.

Term of office, oath, etc.

Duties.

Vacancies, additional officers, etc. 1907, 560, § 141.

SECTION 183. A majority of the caucus officers present at a caucus, may fill temporary vacancies and elect additional officers to serve in that caucus only. Such temporary officers shall be duly sworn. Permanent vacancies shall be filled by a majority vote of all the caucus officers.

Appointment of officers to serve at first caucus. 1907, 560, § 142.

SECTION 184. A city or town committee of a political party which has adopted the provisions of law for the use of official ballots shall, at least ten days before holding any caucus thereunder, appoint caucus officers in each ward, town, or voting precinct in cities and towns where elections or caucuses are held in such precincts, to serve at the first caucus to be held thereafter.

In a newly incorporated city or a re-division into wards, etc. 1907, 560, § 143. 1911, 518.

SECTION 185. In a newly incorporated city, or upon a re-division into wards of a city to which the said provisions apply, the caucus officers to serve in the first caucuses held in the next succeeding year shall be appointed by the city committee; and at such caucuses the regular caucus officers shall be chosen. Where additional polling places are provided, after the election of caucus officers, officers to act in such polling places shall be appointed by the city committee.

Provisions applying to Caucuses other than those of Political Parties.

At least twenty-five voters to participate in certain caucuses. 1907, 560, § 161.

SECTION 186. A caucus of the voters, or of a specified portion thereof in a ward of a city, or in a town, may be called and held for the nomination of candidates to be voted for at any city election, or at any election of town officers for which official ballots are used, or for the selection of delegates to a convention, or for the appointment of a committee. A like caucus in any representative district may

be held for the nomination of a candidate for representative in the general court. The proceedings of such caucuses shall be invalid unless at least twenty-five voters participate and vote therein. Except as provided in this section, no caucus or meeting other than those of political parties shall be entitled to nominate a candidate whose name shall be placed on the official ballot, or to select delegates to a political convention for the nomination of a candidate whose name shall be placed on such ballot.

Entitled to nominate, etc.

SECTION 187. The notice for a caucus under the preceding section shall be written or printed, shall state the place where, and the day and hour when, said caucus is to be held, shall be issued at least seven days prior thereto, and shall be conspicuously posted in at least five places on lines of public travel, and, if practicable, in every post office within the city or town, or shall be published at least twice in one or more local newspapers. Said notice shall be signed by one or more voters of the ward, town or district for which the caucus is called, and shall designate by name or office the person who shall call such caucus to order, and he shall preside until a chairman is chosen. In his absence, the caucus may choose a temporary chairman. The first business in order shall be the organization of the caucus by the choice of a chairman, a secretary, and such other officers as the meeting may require. The persons receiving the highest number of votes shall be declared elected or nominated. The caucus may adopt regulations not inconsistent with this act.

Notice of caucus, etc. 1907, 560, § 162.

First business, etc.

SECTION 188. Upon the written request of ten or more voters present at a caucus and entitled to vote therein, presented by motion or otherwise to the presiding officer for the time being, at any time before the choice of the officer to which it relates, any candidate, delegate or member of a political committee, and unless the caucus votes otherwise, the chairman of the caucus, shall be elected by ballot. In balloting, the voting lists furnished under section sixty-seven shall be used as check lists.

To vote by ballot upon written request, etc. 1907, 560, § 163.

SECTION 189. The secretary of a caucus held under the provisions of the three preceding sections shall, at the request in writing of ten voters entitled to vote in the caucus, preserve all ballots cast and voting lists used therein for three months, and shall produce the same if required by any court, board, convention or other tribunal having jurisdiction thereof.

Preservation of ballots and voting lists, etc. 1907, 560, § 164.

Nomination of Candidates.

Nomination of candidates. 1907, 560, § 94.

SECTION 190. Except as provided in this act, no nominations of candidates for public office shall be made and no political committee or delegates to conventions shall be elected.

Certain nominations not to be made by primaries or caucuses. 1907, 560, § 95.

SECTION 191. No nomination of a candidate to be voted for in an electoral district or division containing more than one town or more than one ward of a city, shall be made by primaries or caucuses, except where such candidate is to be nominated by direct plurality vote.

Nominations by primaries, caucuses and conventions. 1907, 560, § 165.

SECTION 192. Each party may, at primaries, caucuses or conventions held in accordance with the provisions of this act, make as many nominations of candidates for each office as there are persons to be elected thereto, and no more, and shall be entitled to have the names of such candidates placed upon the official ballot. A party may make a nomination for an office to be filled by election in the commonwealth, or in any district, county, city, town or ward, when at the five preceding annual elections it polled in the commonwealth, or in such district, county, city, town or ward, respectively, a number of votes for governor equal to the number of voters required to nominate by nomination papers a candidate for the office so to be filled.

Nominations by certain parties.

Such party shall be entitled to have the names of all candidates so nominated placed upon the official ballot upon filing a certificate of nomination as hereinafter provided.

May have names of candidates placed upon official ballot.

Certain candidates to be nominated by direct plurality vote. 1907, 560, § 166. 1909, 486, § 52. 1911, 550, § 1. 1912, 273. 1913, 516.

SECTION 193. The nomination of candidates of political parties for all offices to be filled at a state election, excepting the office of presidential elector, shall be by direct plurality vote in primaries, and the candidates of political parties for elective city offices to be voted for in two or more wards, except in Boston, and in other cities when city charters provide otherwise, shall be nominated by direct plurality vote in primaries or caucuses.

Persons receiving the highest number of votes to be the candidates nominated.

The persons who in the aggregate of all the ballots cast at such primaries or caucuses in each district for the several candidates shall receive the highest number of votes shall be the candidates nominated.

Candidates whose names are not printed on a state primary ballot to file acceptances.

No person whose name is not printed on a state primary ballot as a candidate for nomination for any office shall be entitled to have his name printed on the ballot to be used at a state election as a candidate for that office unless he files in the office of the secretary of the commonwealth,

before the last hour for filing nominations for the office for which the candidate is nominated, a written acceptance of the nomination.

Certain provisions of law to apply. 1907, 560, § 167.

SECTION 194. All provisions of law relative to the preparation of nomination papers and ballots, to primaries, caucuses and elections, to ballots cast at primaries, caucuses and elections, to recounts of such ballots, shall, so far as they are applicable, apply to caucuses held for direct nominations.

Calling and holding of conventions. 1907, 560, § 168.

SECTION 195. No convention to nominate candidates shall be called for or held on a date earlier than four days after the holding of the caucuses for the choice of delegates thereto, and all such conventions shall be called for and held on a date not later than forty-eight hours prior to the hour for filing certificates of nomination as provided in section two hundred and three.

Returns of precinct caucuses, tabulation, etc. 1907, 560, § 170. 1911, 354.

SECTION 196. The clerk of a city or town wherein caucuses are held by precincts or by groups of precincts in any one ward, immediately upon receipt of the returns from the caucus officers, which shall be made as provided in section one hundred and seventy-nine, shall tabulate and determine the results thereof, and issue proper certificates to the successful candidates.

Certificate of nomination: contents, signatures and oath of officers, etc. 1907, 560, § 171. 1911, 355.

SECTION 197. Every certificate of nomination shall state such facts as are required by section two hundred and one and except in cases of direct nomination for a district comprising more than one ward, and except where caucuses are held in one precinct or by groups of precincts in any ward, shall be signed by the presiding officer and by the secretary of the caucus, who shall add to their signatures their residences, and shall make oath to the truth thereof. The secretary of the caucus shall within the seventy-two hours succeeding five o'clock in the afternoon of the day upon which the caucus was held and within the time specified in section two hundred and three file such certificate as hereinafter provided.

Secretary to file certificate.

Nomination papers, number of signatures. 1907, 560, § 172. 1909, 486, § 53.

SECTION 198. Nominations of candidates for any offices to be filled by all the voters of the commonwealth may be made by nomination papers, stating the facts required by section two hundred and one and signed in the aggregate by not less than one thousand voters for each candidate. Nominations of all other candidates for offices to be filled at a state election, and of all candidates for offices to be filled at a city election, except in Boston, and in other cities where

Nomination papers, number of signatures.

city charters provide otherwise, may be made by like nomination papers, signed in the aggregate, for each candidate, by two voters for every one hundred votes cast for governor at the preceding annual state election in the electoral district or division for which the officers are to be elected, but in no case by less than fifty nor more than one thousand qualified voters. In Boston the nomination of candidates for any municipal elective office to be voted for at the municipal election in said city shall be made by nomination papers, prepared and issued by the election commissioners, signed in person by at least five thousand registered voters in said city qualified to vote for such candidates at said election. Nominations of candidates for offices to be filled at a town election may be made by nomination papers, signed by at least one voter for every fifty votes polled for governor at the preceding annual state election in such town, but in no case by less than twenty voters. At a first election to be held in a newly established ward of a city, the number of voters upon a nomination paper of a candidate who is to be voted for only in such ward need not exceed fifty; and at a first election in a town the number for the nomination of a candidate who is to be voted for only in such town need not exceed twenty.

Voters to sign nomination papers in person, adding residence, etc. 1907, 560, § 173. 1909, 440, § 2.

SECTION 199. Every voter who signs a nomination paper shall sign it in person, with his full surname, his Christian name and the initial of every other name which he may have, and shall add his residence on the previous first day of April and the place where he is then living, with the street and number thereof, if any, to his signature; but any voter who is prevented by a physical disability from writing or who had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, may authorize some person to write his name and residence in his presence; and every voter may sign as many nomination papers for each office to be filled as there are persons to be elected thereto, and no more. Women who are qualified to vote may sign nomination papers for candidates for the school committee. Every nomination paper shall, before being filed, be seasonably submitted to the registrars of the city or town in which the signers appear to be voters, and in Boston to the election commissioners, who shall forthwith certify thereon the number of signatures which are names of voters both in the city or town and in the district or division for which the nomination is made. They need not certify a greater

Number of nominations.

Women may sign, etc.

To be submitted to registrars, etc.

number of names than are required to make a nomination, with one fifth of such number added thereto. Names not certified in the first instance shall not thereafter be certified on the same nomination papers. The secretary of the commonwealth shall not be required in any case to file nomination papers for a candidate after filing such papers containing a sufficient number of certified names to make a nomination, with one fifth of such number added thereto. One of the signers to each nomination paper shall make oath to the truth of the statements therein, and the certification of such oath and the post office address of the signer shall be annexed to such paper.

One of the signers to make oath, etc.

SECTION 200. A notary public, justice of the peace or other magistrate, when taking the oath of a signer of a nomination paper, shall satisfy himself that the person to whom the oath is administered is the person signing such nomination paper, and shall so state in his attestation of said oath.

Magistrates to satisfy themselves as to identity of person making oath, etc. 1907, 560, § 174.

SECTION 201. All certificates of nomination and nomination papers shall, in addition to the names of candidates, specify as to each: (1) his residence with street and number thereof, if any; (2) the office for which he is nominated; and (3), except in the city of Boston, in other cities where city charters provide otherwise and as hereinafter provided, the party or political principle which he represents, expressed in not more than three words. Certificates of nomination shall also state what provision, if any, was made by the caucus for filling vacancies caused by the death, withdrawal or ineligibility of candidates. The names of the candidates for president and vice president of the United States may be added to the party or political designation of the candidates for presidential electors. To the name of each candidate for the office of alderman at large shall be added the number of the ward in which he resides.

Certificates of nomination and nomination papers, contents, etc. 1907, 560, § 175. 1908, 425. 1909, 486, § 53.

If a candidate is nominated otherwise than by a political party, the name of a political party shall not be used in his political designation, except as describing and preceding some other name or term which shall not be the name of any party which cast at the last preceding election more than three thousand votes for governor; and if so used in case of a candidate nominated by a nomination paper, the political designation shall consist of not more than two words and shall not be changed after having been placed upon the paper. Certificates of nomination and nomination papers

Designation in certain cases.

for town offices may or may not include a designation of the party or principle which the candidate represents. If a candidate receives the nomination of a political party, and fails to withdraw therefrom, the name of any other political party shall not be used in his political designation unless he shall have received the regular nomination of such other political party.

Certificates of nomination and nomination papers to be filed, etc. 1907, 560, § 176.

SECTION 202. Certificates of nomination and nomination papers for state offices shall be filed with the secretary of the commonwealth. Certificates of nomination or nomination papers for city and town offices shall be filed with the city or town clerk, in Boston with the election commissioners. Every nomination paper shall be filed by a responsible person, who shall with his own hand sign such paper and add to his signature his place of residence, giving street and number, if any; and the secretary of the commonwealth or the city or town clerk shall require a satisfactory identification of such person. No nomination paper shall be received or be valid unless the written acceptance of the candidate thereby nominated shall be filed therewith.

Acceptance to be filed with nomination paper.

Last days for filing with secretary of the commonwealth. 1907, 560, § 177. 1909, 149, 486, § 53. 1912, 446, § 1.

SECTION 203. Certificates of nomination of candidates for offices to be filled by all the voters of the commonwealth, except for presidential electors, shall be filed on or before the fifth Monday, and of all other candidates for offices to be filled at a state election, including presidential electors, on or before the third Thursday, and nomination papers of all candidates for offices to be filled at a state election, on or before the fourth Monday, preceding the day of the election; but if there is a special election to fill any state office, certificates of nomination shall be filed on or before the twelfth day, and nomination papers on or before the eleventh day, preceding the day of such election.

In certain cities.

In cities, except where city charters provide otherwise, certificates of nomination for city offices shall be filed on or before the third Monday, and nomination papers on or before the second Wednesday preceding the day of the election.

In Boston.

In Boston, nomination papers for all municipal offices shall be filed on or before the twenty-fifth day prior to the municipal election.

Last days for filing in towns.

In towns, certificates of nomination for town offices shall be filed on or before the second Wednesday, and nomination papers, on or before the second Thursday, preceding the day of the election; but if such Wednesday or Thursday falls on a legal holiday, said certificates of nomination or

nomination papers shall be filed on or before the succeeding day; but if a town election is held on a day of the week other than Monday, such certificates of nomination and nomination papers shall be filed respectively on or before the twelfth and eleventh days preceding the day of the election.

Last hour for filing.

Certificates of nomination and nomination papers shall be filed before five o'clock in the afternoon of the last day fixed for the filing thereof.

Nominations valid unless objected to, time of filing, etc. 1907, 560, § 178. 1909, 486, § 56.

SECTION 204. When certificates of nomination and nomination papers have been filed, and are in apparent conformity with law, they shall be valid unless objections thereto are made in writing. Such objections to nominations of candidates for state offices shall be filed with the secretary of the commonwealth, for city offices with the city clerk, or in Boston with the election commissioners, and for town offices with the town clerk; and in the case of state offices within the seventy-two week-day hours, in the case of city offices, except in Boston, and in other cities where city charters provide otherwise, within the forty-eight week-day hours, and in the case of town offices within the twenty-four week-day hours, succeeding five o'clock in the afternoon of the last day fixed for the filing of nomination papers for such offices. In Boston such objections shall be filed on or before five o'clock P.M. on the fourteenth day preceding the city election.

In Boston.

Objections, etc., by whom considered. 1907, 560, § 179.

SECTION 205. Objections to nominations for state offices, and all other questions relating thereto, shall be considered by the state ballot law commission; to nominations for city offices, except in Boston, by the board of registrars, the city clerk and the city solicitor; in Boston, by the ballot law commission of said city; and to nominations for town offices, by the board of registrars.

May summon witnesses, etc.

The boards constituted in cities and towns may, at hearings on such objections and questions, summon witnesses, administer oaths and require the production of books and papers. Such witnesses shall be summoned in the same manner, be paid the same fees, and be subject to the same penalties for default, as witnesses before the superior court. A summons may be signed, and an oath may be administered by any member of such board, and the decision of a majority of the members thereof shall be final.

Notice to candidates and committees.

When such objection has been filed, notice thereof shall be forthwith mailed by the secretary of the commonwealth,

or by the city or town clerk, or election commissioners, respectively, to the candidates affected thereby, addressed to their residences as given in the certificates of nomination or nomination papers, and to any party committee interested in the nomination to which objection is made.

Determination when several candidates have same designation.

If more candidates bearing the same designation are nominated for an office, otherwise than by nomination papers, than are to be elected thereto, such boards shall determine the candidates, if any, entitled to such designation.

Withdrawal of names of candidates. 1907, 560, § 180. 1909, 486, § 56.

SECTION 206. A person nominated as a candidate for any state, city or town office may withdraw his name from nomination by a request in writing signed by him and acknowledged before a justice of the peace and filed with the officer with whom the nomination was filed, in the case of a state office within the seventy-two week-day hours, in the case of a city office, except in Boston, and in other cities where city charters provide otherwise, within forty-eight week-day hours, and in the case of a town office within the twenty-four week-day hours, succeeding five o'clock in the afternoon of the last day fixed for the filing of nomination papers for such office. In Boston, such withdrawals shall be filed on or before five o'clock P.M. on the fourteenth day preceding the city election.

Nomination in case of death, withdrawal, etc. 1907, 560, § 181. 1909, 486, §§ 54, 56.

SECTION 207. If a candidate nominated for a state, city or town office dies before the day of election, or withdraws his name from nomination, or is found to be ineligible, the vacancy for a city office in Boston may be filled by a committee of not less than five persons, or a majority thereof, if such committee be named, and so authorized in the nomination papers, and the vacancy for a state, city or town office elsewhere, except for city office where city charters provide otherwise, may be filled by the same political party or persons who made the original nomination, and in the same manner; or, if the time is insufficient therefor, the vacancy may be filled, if the nomination was made by a convention or caucus, in such manner as the convention or caucus may have prescribed, or, if no such provision has been made, by a regularly elected general or executive committee representing the political party or persons who held such convention or caucus. In the event of the withdrawal or death of any candidate of a political party nominated by direct nomination for any office, the vacancy may be filled by a regularly elected general or executive committee representing the election district in which such vacancy occurs, or, if

no such committee exists, by the members of the ward and town committees in the wards and towns comprising such district. If a vacancy is caused by withdrawal, certificates of nomination made otherwise than in the original manner shall be filed within seventy-two week-day hours in the case of state offices, or within forty-eight week-day hours in the case of city or town offices, succeeding five o'clock in the afternoon of the last day for filing withdrawals, except that in Boston all substitutions to fill vacancies caused by withdrawal or ineligibility shall be filed with the election commissioners on or before five o'clock P.M. on the twelfth day preceding the city election. They shall be open to objections in the same manner, so far as practicable, as other certificates of nomination. No vacancy caused by withdrawal shall be filed before the withdrawal has been filed.

Time of filing.

Objections.

No vacancy to be filled before withdrawal has been filed.

SECTION 208. When a nomination is made to fill a vacancy caused by the death, withdrawal or ineligibility of a candidate, the certificate of nomination shall, in addition to the other facts required, state the name of the original nominee, the fact of his death, withdrawal or ineligibility, and the proceedings had for filling the vacancy; and the presiding officer and secretary of the convention or caucus, or the chairman and secretary of an authorized committee, shall sign and make oath to the truth of the certificate, and it shall be accompanied by the written acceptance of the candidate nominated.

Certificate in case of nomination to fill vacancy. 1907, 560, § 182.

To be accompanied by written acceptance.

SECTION 209. Certificates of nomination, nomination papers, objections thereto and withdrawals, when filed, shall, under proper regulations, be open to public inspection, and the secretary of the commonwealth and the several city and town clerks, and in Boston the election commissioners, shall preserve the same in their respective offices for one year.

Certificates, etc., public inspection, preservation, etc. 1907, 560, § 183.

SECTION 210. The secretary of the commonwealth shall, upon application, provide blank forms for the nomination of candidates for all state offices; and he shall send blank forms for certificates of nomination for the office of representative in the general court to the clerk of each city and town for the use of any caucus or convention other than of political parties held therein for the nomination of candidates for that office. He shall likewise provide the clerks of towns wherein official ballots are used with blank forms for the nomination of candidates for town offices.

Blanks for nomination. 1907, 560, § 184.

State Ballot Law Commission.

State ballot law commission, appointment, term, etc. 1907, 560, § 185.

SECTION 211. There shall be a state ballot law commission consisting of three persons, one of whom shall annually in June or July be appointed by the governor with the advice and consent of the council, for a term of three years from the succeeding first day of August. The governor with the advice and consent of the council may remove any member of the commission or fill any vacancy therein for the remainder of the unexpired term. There shall always be on said commission a member of each of the two leading political parties.

Not to hold certain other public office, etc. 1907, 560, § 186.

SECTION 212. No member of said commission shall hold any public office except that of justice of the peace or notary public, or be a candidate for public office, or member or employee of any political committee. If any member of the commission shall be nominated as a candidate for public office and shall not in writing decline said nomination within three days, he shall be deemed to have vacated his office as a member of said commission.

May summon witnesses, administer oaths, etc. 1907, 560, § 187.

SECTION 213. The state ballot law commission may summon witnesses, and administer to them oaths, and may require the production of books and papers at a hearing before it upon any matter within its jurisdiction. Witnesses shall be summoned in the same manner, be paid the same fees, and be subject to the same penalties as witnesses summoned before the general court. A summons may be signed and an oath may be administered by any member of said commission.

Decision to be final. 1907, 560, § 188.

SECTION 214. The decision of a majority of the members of the commission upon any matter within its jurisdiction shall be final.

Compensation. 1907, 560, § 189.

SECTION 215. The members of the state ballot law commission shall each be paid such compensation for their services, not exceeding five hundred dollars annually, as the governor and council may determine; and the total expenditures by and on account of said commission shall not exceed the sum of two thousand dollars in any one year.

PART III.

Wards and Voting Precincts.

Wards, new division of cities into. 1907, 560, § 190. 1909, 440, § 2.

SECTION 216. A city may, in the year nineteen hundred and fifteen, and in every tenth year thereafter, before the first day of July, by vote of its city council, make a new division of its territory into such number of wards as may be fixed by law. The boundaries of such wards shall be so arranged that the wards shall contain, as nearly as can be ascertained and as may be consistent with well-defined limits to each ward, an equal number of voters. The city clerk shall forthwith give notice in writing to the secretary of the commonwealth of the number and designations of the wards so established.

Secretary of the commonwealth to be notified.

Voting precincts, designation, etc. 1907, 560, § 191.

SECTION 217. Each city shall be divided into convenient voting precincts, designated by numbers or letters and containing not more than one thousand voters.

Division of wards into voting precincts, time, boundaries, etc.

Every ward shall constitute a voting precinct by itself, or shall be divided into such precincts. If a ward constituting one precinct contains less than one thousand voters, according to the registration of voters at the preceding annual city election, the aldermen may, and if it contains more than one thousand voters, shall, on or before the first Monday of July, divide it into two or more voting precincts. If a voting precinct shall, in any year, according to such registration, contain more than one thousand voters, the aldermen shall in like manner either divide such precinct into two or more voting precincts or shall make a new division of the ward into voting precincts; so that no precinct shall contain more than one thousand voters. Such precincts shall be so established as to contain, as nearly as may be, an equal number of voters, shall consist of compact and contiguous territory entirely within one ward, and be bounded, so far as possible, by the centre line of known streets or ways or by other well-defined limits.

Voting precincts under new division of wards. 1907, 560, § 192.

SECTION 218. On or before the first Monday of September in the year of a re-division of a city into wards, the aldermen shall divide such city into voting precincts, conformably to the provisions of the preceding section.

New division, when to take effect. 1907, 560, § 193. 1909, 440, § 2.

SECTION 219. For all elections in the year of a re-division of a city into wards, and in cities where annual municipal elections are held prior to such re-division for the annual municipal election in the succeeding year, for a special elec-

tion held prior to the annual state election in the next succeeding year, and for the assessment of taxes, the wards as existing previous to such re-division shall continue, and for such purposes the election officers shall be appointed and hold office, and voting lists shall be prepared, and all other things required by law shall be done as if no such re-division had been made. For all other purposes the new division shall take effect on the first day of July of the year when it is made.

Map or description of new precincts to be published and posted, etc. 1907, 560, § 194.

SECTION 220. When a ward has been divided into new voting precincts, or the voting precincts thereof have been changed, the aldermen shall forthwith cause a map or description of the division to be published, in which the new precincts shall be designated by numbers or letters and shall be defined clearly and, so far as possible, by known boundaries; and they shall cause such map or description to be posted in at least ten public places in each precinct of a ward so divided, and copies thereof furnished to the registrars of voters, in Boston to the election commissioners, and the assessors, and to the election officers of each precinct so established.

Voting precincts in towns, duty of selectmen. 1907, 560, § 195.

SECTION 221. A town may direct its selectmen to prepare a division of the town into convenient voting precincts. The selectmen shall, so far as possible, make the centre line of streets or ways, or other well-defined limits, the boundaries of the proposed precincts, and shall designate them by numbers or letters. They shall, within sixty days, file a report of their doings with the town clerk, with a map or description of the proposed precincts, and with a statement of the number of male voters registered in each for the preceding annual election. The report shall be presented by the town clerk at the next succeeding town meeting, but it shall not be acted upon except at a meeting called for the purpose, and held at least seven days after the report has been filed. The division so reported may be amended at such meeting, and shall take effect when adopted. Elections of state officers held in such town more than sixty days after such action shall be held in the precincts so established. If such report shall be rejected the town may at any time direct the selectmen to prepare a new division.

Report to be presented by town clerk at town meeting, etc.

Changes may be made in voting precincts. 1907, 560, § 196.

SECTION 222. A town may make any change in its voting precincts which the selectmen shall have recommended in a statement giving the boundaries, the designations of the proposed precincts and the number of voters registered in

each for the preceding annual state or town election, filed with the town clerk at least seven days before a town meeting called for the purpose; but no changes other than those so proposed by the selectmen shall be made at such meeting.

Map or description to be posted, etc. 1907, 560, § 197.

SECTION 223. When a town has been divided into voting precincts or the voting precincts thereof have been changed, the selectmen shall post in the office of the town clerk and in at least three public places in each new precinct a map or description in which the new precincts shall be designated by numbers or letters, and defined clearly and, so far as possible, by known boundaries; and they shall also furnish copies thereof to the registrars of voters and the assessors of such town, and to the election officers of each precinct so established.

Voting precincts may be discontinued, etc. 1907, 560, § 198.

SECTION 224. Any town may, at a meeting called for the purpose, discontinue its voting precincts; and subsequent elections therein shall be held as if no such division had been made. But it may, in any subsequent year, establish voting precincts as hereinbefore provided.

Secretary of the commonwealth to be notified. 1907, 560, § 199.

SECTION 225. When wards of a city have been changed or when voting precincts in a city or town have been established, changed or discontinued, the city or town clerk shall forthwith give a notice thereof in writing to the secretary of the commonwealth, stating the number and designation of such wards or such voting precincts and in a city the wards in which they are situated.

Election Officers.

Election officers in certain cities, appointment, etc. 1907, 560, § 200. 1911, 436.

SECTION 226. The mayor of every city, except Boston, and other cities where city charters provide otherwise, shall annually, with the approval of the board of aldermen, appoint as election officers for each voting precinct, one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four deputy inspectors, who shall, at the time of their appointment, be qualified voters in the ward of which such precinct forms a part. He may, in like manner, appoint two inspectors and two deputy inspectors in addition. Every such nomination shall be filed in the office of the city clerk of such city in the month of August, and on or before the thirty-first day of said month, and shall be acted upon by the board of aldermen not less than three days after the filing of such nomination and on or before the second Monday in September following. Such nomination shall be open to public inspection. In cities in which

Deputy warden, clerk and inspectors not to be appointed in certain cities.

the board of aldermen or the board having the powers of a board of aldermen has accepted or hereafter accepts the provisions of this section the following election officers shall not be appointed: — deputy warden, deputy clerk and deputy inspectors.

In Boston.

In Boston the election officers as aforesaid shall be appointed by the election commissioners except that no deputy election officers shall be appointed.

In towns divided into voting precincts. 1907, 560, § 201.

SECTION 227. The selectmen of every town divided into voting precincts shall annually, between the first and fifteenth day of August, appoint as election officers for each voting precinct, one warden, one deputy warden, one clerk, one deputy clerk, two inspectors and two deputy inspectors, who shall be voters of the precinct. They may, in like manner, appoint two inspectors and two deputy inspectors in addition.

Election officers to equally represent the two leading political parties, except, etc. 1907, 560, § 202.

SECTION 228. Such election officers shall be so appointed as equally to represent the two leading political parties, except that, without disturbing the equal representation of such parties, not more than two of such election officers not representing either of them may be appointed. The warden shall be of a different political party from the clerk, and not more than one half of the inspectors shall be of the same political party. In each case the principal officer and his deputy shall be of the same political party.

Term of office.

Every election officer shall hold office for one year, beginning with the fifteenth day of September succeeding his appointment, and until his successor is appointed and qualified, or until his removal.

May be removed.

An election officer may be removed by the mayor, with the approval of the aldermen, or by the selectmen, in Boston by the election commissioners, after a hearing, upon written charge of incompetence or official misconduct preferred by the city or town clerk, in Boston by the election commissioners, or by not less than six voters of the ward, or, in a town, of the voting precinct in which the officer is appointed to act.

Removal of election officers in Boston on the day of an election. 1907, 560, § 203.

SECTION 229. In Boston, the election commissioners may upon the day of any election therein, forthwith remove any election officer found to be incompetent or so conducting himself as to prejudice the public interest, and appoint some other person of the same political party in his place; and the officer so removed shall receive no compensation for services rendered on such day, and shall be disqualified for appointment as an election officer for one year thereafter.

Filling of vacancies in the number of election officers. 1907, 560, § 204.

SECTION 230. If a vacancy in the number of the election officers occurs before the twentieth day of September in any year, or, in a city, after the annual state election and one week at least before the annual city election, or if an election officer declines his appointment and gives notice thereof to the city or town clerk, or in Boston to the election commissioners, before the twentieth day of September, or, if at a special election the office of an election officer is vacant, the mayor, with the approval of the aldermen, or the selectmen, shall fill the vacancy; and the appointment shall be so made as to preserve the equal representation of the two leading political parties. Appointments to fill vacancies may be acted upon immediately by the board of aldermen. In Boston such vacancies shall be filled by the election commissioners.

Candidates not eligible to act as election officers in certain cases. 1907, 560, § 205.

SECTION 231. No person shall, at a state, city or town election, be eligible or act as an election officer in a voting precinct in which he is a candidate for election; and if a person who has been appointed an election officer becomes such a candidate, and does not forthwith resign his office, the mayor or selectmen, in Boston the election commissioners, shall, if he is a candidate at a state election, remove him from office before the first day of November, or, if he is a candidate at a city election, the mayor, in Boston the election commissioners, shall so remove him at least eight days before the day of the election, or if he is a candidate at a town election the selectmen shall remove him before the election.

Deputy to act in certain cases, etc. 1907, 560, § 206. 1912, 515.

SECTION 232. If a warden, clerk or inspector is absent at the opening of the polls or subsequently on the day of election, or if the office is vacant, the deputy of such officer shall act for that election in his place. If the warden and deputy warden, clerk and deputy clerk, or an inspector and his deputy, shall be absent, the voters of the precinct on nomination and by hand vote shall fill the vacancy, and the officer so elected shall act during the remainder of the election; but otherwise no deputy officer shall act in an official capacity or be admitted to the space reserved for election officers while the polls are open or during the counting of the votes.

In cities where no deputy warden or deputy clerk is appointed, who shall act.

In cities where no deputy warden or deputy clerk is appointed, if a warden or clerk is absent at the opening of the polls or subsequently on the day of election, or if the office is vacant, the senior inspector of the same political party as such warden or clerk shall act as warden or clerk

for that election, and the voters of the precinct, on nomination and by hand vote, shall fill the vacancy in the office of inspector.

Ballot clerks of precincts, detail, duties, etc. 1907, 560, § 207.

SECTION 233. At state elections in cities and in towns divided into voting precincts, and in city elections, the presiding election officer of each voting place or precinct shall detail two inspectors of different political parties to act as ballot clerks, who shall have charge of the ballots and shall furnish them to voters.

Presiding officer in towns not divided into precincts, etc. 1907, 560, § 208.

SECTION 234. The selectmen in towns not divided into voting precincts shall, at meetings for the election of state officers, have the powers of wardens in cities or moderators in towns, and shall act by their chairman or senior member present, who shall be regarded as the presiding election officer.

Ballot clerks in certain towns, appointment, duties. 1907, 560, § 209.

SECTION 235. At state elections in towns not divided into voting precincts, and at town elections in towns in which official ballots are used, the selectmen shall, before the opening of the polls, appoint two voters as ballot clerks, who shall have charge of the ballots and shall furnish them to voters. The selectmen or the moderator presiding at such election may subsequently appoint additional ballot clerks, not exceeding one for every four hundred voters and majority fraction thereof, and may likewise fill any vacancy after the opening of the polls. Such ballot clerks shall be so appointed as to represent the two leading political parties as equally as may be, except that such additional ballot clerks may be appointed from voters not representing either of them.

Political representation.

Oath of office of election officers. 1907, 560, § 210.

SECTION 236. Every election officer before entering upon the performance of his official duties shall be sworn before the city or town clerk, a justice of the peace, or the presiding officer or clerk at the polls, and a record thereof shall be made. In Boston, the oath, except in case of vacancies filled at the polls, shall be taken before an election commissioner and record thereof made.

Tellers, appointment, duties, etc. 1907, 560, § 211.

SECTION 237. Selectmen of towns shall, at least five days before a state or town election, appoint voters as tellers to assist at the ballot box and in checking the names of voters upon the voting lists, and in canvassing and counting the votes. Presiding officers in such towns, at state and town elections, may appoint voters as additional tellers, and they shall do so when requested in writing by ten voters of the town. Tellers appointed at elections at which official

Political representation.

ballots are used shall be so appointed that the election officers making and assisting in the canvass and count of votes shall equally represent the two leading political parties.

Election officers, compensation. 1907, 560, § 212.

SECTION 238. Election officers shall receive such compensation for each day's actual service as the city council or the selectmen respectively may determine; but no deputy officer shall receive compensation except for attendance at the opening of the polls or for services in place of an absent officer.

City or town clerk pro tempore. 1907, 560, § 213.

SECTION 239. If the office of city clerk shall be vacant, or if a city clerk shall be unable to perform the duties required by this act, the mayor shall appoint a clerk pro tempore to perform the duties required hereunder. If the office of town clerk shall be vacant, or a town clerk shall be unable to perform the duties required hereunder, the selectmen shall in writing under their hands, appoint a clerk pro tempore. Such clerk pro tempore shall be sworn to the faithful performance of his duties.

Supervisors of elections, appointment, political representation. 1907, 560, § 214.

SECTION 240. The governor, with the advice and consent of the council, shall, upon the petition in writing of ten qualified voters of a ward or of a town, presented to him at least twenty-one days before a state or city election therein, appoint for such ward or town or for each of such voting precincts as may be named in the petition, two voters of the city or town, who shall not be signers of the petition or members of any political committee or candidates for any office, to act as supervisors at such election. One supervisor shall be appointed from each of the two leading political parties. They shall be sworn to the faithful performance of their duties by the city or town clerk or by a justice of the peace. The supervisors shall attend the polling places for which they are appointed, may challenge persons offering to vote, and shall witness the conduct of the election and the counting of votes; but they shall not make any statement tending to reveal the state of the polls before the public declaration of the vote. They shall remain where the ballot boxes are kept after the polls are open and until the ballots are sealed for transmission to the officers entitled to receive them. Each supervisor may affix his signature, for the purpose of identification, to the copy of the record of votes cast, or attach thereto any statement touching the truth or fairness or conduct of the election. Supervisors shall receive such compensation for each day's actual service as the city council or the selectmen may determine.

To be sworn, powers and duties.

Compensation.

Voting Places.

Polling places, designation, preparation, etc. 1907, 560, § 215.

SECTION 241. The aldermen in cities, except where city charters provide otherwise, and the selectmen of every town divided into voting precincts, and in Boston the election commissioners, shall, twenty days at least before the annual state or city election and ten days at least before any special election of a state or city officer therein, designate the polling place for each voting precinct and shall cause it to be suitably fitted up and prepared therefor. In a city or town which has provided voting booths such booths may be placed in the highways of such city or town, provided said highways are left reasonably safe and convenient for public travel. It shall be in a public, orderly and convenient portion of the precinct; but if no such polling place can be had within the precinct, they may designate a polling place in an adjoining precinct. No building or portion of a building shall be designated or used as a polling place in which intoxicating liquor has been sold within the thirty days preceding the day of the election. When the polling places have been designated, the aldermen, and in Boston the election commissioners, shall, in at least five public places in each precinct of the city, and selectmen, in at least three public places in each precinct of the town, forthwith post a printed description of the polling places designated, and may give further notice thereof.

Voting booths may be placed in highways, etc.

To be conveniently located, etc.

Certain buildings not to be used, etc.

Notice to be given, etc.

Marking shelves and guard rails to be provided, etc. 1907, 560, § 216.

SECTION 242. The board of aldermen or the selectmen, in Boston the election commissioners, shall cause each polling place in their respective cities and towns to be provided with a sufficient number of suitable marking shelves or compartments where voters may conveniently and secretly mark their ballots; and they shall cause a guard rail to be so placed that only persons who are inside thereof can approach within six feet of the ballot boxes or of the marking shelves or compartments. The ballot boxes and the marking shelves or compartments shall be in open view of persons in the polling place outside the guard rail. The number of marking shelves or compartments shall be not less than one for every seventy-five voters at such polling place, and not less than five in any voting precinct of a city, and not less than three in any town or voting precinct thereof. Each marking shelf or compartment shall at all times be provided with proper supplies and conveniences for marking the ballots.

Supplies, etc., for marking ballots.

Ballot Boxes, Voting Machines, Counting Apparatus and Blanks.

State ballot boxes and counting apparatus to be provided. 1907, 560, § 217.

SECTION 243. The secretary of the commonwealth shall, at the expense of the commonwealth, provide every city and town for use at every polling place therein with a state ballot box and counting apparatus approved by the board of voting machine examiners as provided in section two hundred and forty-nine. Ballot boxes shall be purchased by the secretary at a price not exceeding fifty dollars each. The secretary shall likewise provide every city and town for use at each polling place by the election officers in the canvass and count of votes, with suitable blank forms.

Blank forms to be provided.

Blanks and envelopes for returns of votes, etc. 1907, 560, § 218.

SECTION 244. The secretary of the commonwealth shall provide every city and town with suitable blank forms and envelopes for all certificates, copies of records and returns required to be made at his office, with such printed directions thereon as he may deem necessary; and such other blank forms and suggestions and instructions, as will assist the election officers in the performance of their duties. The clerks of the courts of the several counties shall in like manner provide cities and towns with suitable blank forms and envelopes for all certificates, copies of records and returns required to be made to the county commissioners and boards of examiners.

Ballot boxes, voting machines and counting apparatus, care, repair, etc. 1907, 560, § 219. 1912, 641, § 5.

SECTION 245. The clerk of each city or town, in Boston the election commissioners, shall provide therein a place for the safe keeping of the ballot boxes and counting apparatus furnished by the commonwealth, and of voting machines used in such city or town. They shall have the care and custody thereof, and shall see that they are kept in good order and repair. The custody, care and repair of all such voting machines, ballot boxes and apparatus shall be at the expense of the city or town, but shall be subject to the supervision and control of the secretary of the commonwealth, who may, at the expense of the commonwealth, subject to approval as aforesaid, cause necessary improvements to be made in any of such voting machines, ballot boxes or apparatus.

Defective ballot boxes, etc., may be replaced. 1907, 560, § 220.

SECTION 246. If a state ballot box becomes defective or is lost or destroyed, the secretary of the commonwealth shall, upon application by the clerk of the city or town in which such box is used or by the election commissioners of the city of Boston, provide another ballot box at the expense of such city or town.

Precinct seals, use, custody, etc. 1907, 560, § 221.

SECTION 247. The clerk of every city, in Boston the election commissioners, and the clerk of every town divided into voting precincts shall furnish to the clerk of each voting precinct a seal of suitable device, with a designation thereon of such precinct; and such seal shall be used in sealing all envelopes required by law to be used at the elections. The clerk of the precinct shall retain the custody of the seal, and shall, at the end of his term of office, deliver the same, with the records of the precinct and other official documents in his custody, to the city or town clerk, or election commissioners.

Ballot box, apparatus, etc., to be sent to polling place. 1907, 560, § 222.

SECTION 248. Every city and town clerk, or in Boston the election commissioners, shall send to the election officers at each polling place, before the opening of the polls on the day of an election or meeting at which the same are required to be used, the ballot box, blank forms and counting and other apparatus.

State ballot law commission to constitute state board of voting machine examiners. 1907, 560, § 224. 1912, 641, § 1.

Examination and approval of voting machines, ballot boxes and counting apparatus.

SECTION 249. The state ballot law commission shall constitute the state board of voting machine examiners and no member of said commission shall have any pecuniary interest, directly or indirectly, in any voting machine, ballot box or counting apparatus. They shall, at such times, under such conditions, and after such public notice as they shall determine, examine voting machines, ballot boxes and counting apparatus, and they shall file with the secretary of the commonwealth their approval in writing of all machines, ballot boxes and counting apparatus which in their judgment conform to the requirements of law, together with such written or printed descriptions, and such drawings, specifications and photographs as will clearly identify such machines, and the secretary of the commonwealth shall send a copy of each report on voting machines to every city and town clerk. For the purpose of such examination the said board may employ not more than three expert machinists at a cost not exceeding ten dollars each for each day employed, to be paid from the appropriation for the expenses of the commission.

Expert machinists may be employed.

Secretary of the commonwealth to be notified if any machine, ballot box or counting apparatus ceases to conform to requirements of law, etc.

If any machine, ballot box or counting apparatus approved and prescribed by said board in accordance with the provisions of this and of the following section shall, in the judgment of the board at any time thereafter, by reason of the enactment of further requirements, cease to conform to the requirements of law, the board shall notify the secretary of the commonwealth thereof, who shall forthwith send

a copy of such notice to every city and town clerk; and no such machine, ballot box or counting apparatus shall be used at any primary or election until, upon examination by said board, it shall in their judgment conform to all the requirements of law, and shall be approved in the manner hereinbefore provided.

Requirements of voting machines. 1907, 560, § 224. 1912, 641, § 2.

SECTION 250. Voting machines shall furnish convenient simple and satisfactory means of voting at primaries and elections and of ascertaining and recording the true result thereof with facility and accuracy, special regard being given to the prevention and detection of double voting at primaries and elections and to voting for candidates of more than one political party at a primary; but no machine shall be approved which does not secure to the voter as much secrecy in voting as is afforded by the use of the official ballot. Ballot boxes shall have sufficient locks and keys or seal fastenings, and shall contain mechanical devices for receiving, registering and cancelling every ballot deposited therein; but no such box shall record any distinguishing number or mark upon a ballot. No machine, ballot box or counting apparatus, except such as is approved in accordance with the provisions of this and of the preceding section, shall be used at any election, primary or caucus in this commonwealth; nor shall any such machines, ballot boxes or counting apparatus be used except in accordance with the provisions of this act. The arrangement of names and questions on voting machines shall be in general the same as on the official ballot, except that when in the judgment of the ballot law commissioners it is not practicable, said commissioners shall determine the arrangement.

Requirements of ballot boxes.

Only approved machines, ballot boxes and counting apparatus to be used.

Arrangement of names, etc., on voting machines.

Purchase and use of voting machines. 1907, 560, § 225. 1912, 641, §§ 3, 4.

SECTION 251. The mayor and aldermen of a city, or the body corresponding thereto, or a town, may, at a meeting held at least thirty days before the primary or election at which the voting machines are to be used, determine upon and purchase one or more voting machines approved as provided in section two hundred and forty-nine, and order the use thereof at primaries and elections of state, city or town officers in such city or town; and thereafter at all primaries and elections of state, city or town officers in that city or town, until otherwise ordered by the aldermen in a city, or the board corresponding thereto, and the selectmen in a town, said machines shall be used at primaries and for the purpose of voting for the officers to be elected at such elections and for taking the vote upon the question of

granting licenses for the sale of intoxicating liquors and upon other questions submitted to the voters. In Boston, the power to determine upon, purchase and order the use of voting machines shall be vested in a board consisting of the election commissioners and the mayor; and the expense so incurred shall be deemed an expense of the election department of the city; and the machines so purchased shall be used at primaries and elections in that city until otherwise ordered by said commissioners. Machines purchased may be paid for either by appropriation, by the issue and sale of bonds, or by the issue and delivery of certificates of indebtedness or other negotiable obligations, of such amounts and payable at such times as shall be determined by the board or officers purchasing the machines.

How machines purchased may be paid for.

No ballots, etc., to be furnished where machines are used.

For polling places in which voting machines are to be used no ballot boxes or ballots shall be furnished.

Preparation for use and delivery at polling place. 1912, 641, § 6.

SECTION 252. The body, board or official charged with the conduct of elections in any city or town in which voting machines are used shall, before the opening of the polls at a primary or election, cause each machine to be prepared for use and delivered at the polling place, and shall cause to be done all things necessary to hold the primary or election with machines.

Election officers when voting machines are used. 1912, 641, § 7.

SECTION 253. In any election when voting machines are used in any polling place in any city or town, the number of election officers in such polling place may be less than six in the discretion of the board, body or official in which or in whom the authority to determine the number of election officers in such polling place is vested by law, subject, however, to the provisions of section two hundred and twenty-eight.

Regulations for use of voting machines, ballot boxes and counting apparatus. 1907, 560, § 227. 1912, 641, § 8.

SECTION 254. The ballot law commission shall make regulations for the use of the voting machines, ballot boxes and counting apparatus approved by the board, and suitable instructions for the voters in cities and towns in which such machines, ballot boxes and counting apparatus are used shall be prepared and furnished by the secretary of the commonwealth.

Voting machines, ballot boxes and counting apparatus to be inspected, etc. 1907, 560, § 228. 1912, 641, § 10.

SECTION 255. No voting machine shall be used at a primary or election until it has been inspected under the direction of the secretary of the commonwealth and found upon such inspection to conform to drawings and specifications to be filed in the office of the secretary by the ballot law commission, with their report on the machine, nor shall

any ballot box or counting apparatus be so used until it has been inspected and approved under the direction of the secretary.

Persons of whom machines or ballot boxes are purchased to give bond, etc. 1907, 560, § 226. 1912, 641, § 12.

SECTION 256. When voting machines or ballot boxes are purchased by the commonwealth or by a city or town, the person or persons of whom the purchase is made shall give to the secretary of the commonwealth, or city or town clerk, as the case may be, or in Boston to the election commissioners, a bond with sufficient sureties to keep such machines or ballot boxes in working order for two years. Such persons shall also give a bond with sufficient sureties, conditioned to defend and indemnify the commonwealth or cities and towns purchasing and using the machines or ballot boxes against any suit at law or in equity and for any expense, damage or inconvenience which they may incur or suffer by reason of any suit brought against them for infringement of patents or other rights, arising from the purchase or use of such machines or ballot boxes.

Preparation and Form of Ballots.

Ballots, preparation and furnishing. 1907, 560, § 229.

SECTION 257. All ballots for use in elections of state officers shall be prepared and furnished by the secretary of the commonwealth; all ballots for use in elections of city officers, by the city clerk, in Boston by the election commissioners; and all ballots for use in elections of town officers, in a town which has voted to use official ballots, by the town clerk. No ballots as herein provided shall be printed in any printing establishment owned or managed by the city of Boston.

Ballots not to be printed in certain establishments.

General ballots. 1907, 560, § 230. 1909, 486, § 58. 1912, 398, § 3.

SECTION 258. General ballots for the use of male voters in a voting precinct or town shall contain the names of all candidates duly nominated for election therein, and such ballots shall, except as provided in section two hundred and sixty, contain the name of no other person.

Residence to be added to name of candidate.

To the name of each candidate for a state office shall be added the name of the city or town in which the candidate resides. To the name of each candidate for a city office shall be added the name of the street on which he resides, with his street number, if any; and to the name of each candidate for the office of alderman at large shall also be added the number of the ward in which he resides.

Political designation.

To the name of each candidate for a state or city office, except city offices in Boston, shall be added in the same

space his party or political designation or designations, expressed in accordance with section two hundred and one. To the name of each candidate for a town office upon an official ballot shall be added the designation of the party or principle which he represents, contained in the certificate of nomination or nomination papers. No greater number of candidates for any office, bearing the same political designation, nominated otherwise than by nomination papers, shall be placed upon the official ballot than are to be elected.

Candidates with same designation.

If the name of a political party is used in connection with some other name or term as the designation of a candidate nominated for a state or city office by a nomination paper, the words "nomination paper", or "nom. paper", shall be added to such political designation.

Designation of certain candidates nominated by nomination papers.

If a candidate shall receive the nomination of more than one party or more than one political designation for the same office, he may, within the seventy-two hours next succeeding five o'clock of the last day fixed for the filing of nomination papers, by a writing delivered to the officer or board required by law to prepare the official ballot, direct in what order the several nominations or political designations shall be added to his name upon the official ballot; and such directions shall be followed by the said officer or board. If, during said time, said candidate shall neglect to direct in writing as aforesaid, then said officer or board shall add said nominations or political designations to the name of said candidate upon the official ballot in such order as said officer or board shall determine.

Candidates receiving nomination of more than one party, etc., may direct as to order on ballot.

Arrangement of names. 1907, 560, § 231. 1909, 486, § 57.

SECTION 259. The names of candidates for every state, city and town office, except the names of candidates for presidential electors, shall be arranged under the designation of the office in alphabetical order according to the surnames, except that for municipal offices in Boston the names of candidates for the same office shall be printed upon the official ballot in the order in which they may be drawn by the board of election commissioners, as provided in section fifty-seven, chapter four hundred and eighty-six of the acts of the year nineteen hundred and nine; but the names of candidates for the same office but for different terms of service therein shall be arranged in groups according to the length of their respective terms, and the names of candidates nominated by single wards but to be voted for at large shall be arranged in groups by wards. In the case of the office of representative in congress, the designation may be "con-

Designation for office of representative in congress.

gressman." Blank spaces shall be left at the end of the list of candidates for each different office, equal to the number to be elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office. If the approval of a constitutional amendment or any other question is submitted to the voters, it shall be printed on the ballot after the names of the candidates.

Blank spaces to be left.

Question to be submitted to voters.

Special ballots containing only the names of candidates for school committee shall also be prepared in like manner and printed for the use of women qualified by law to vote for school committee.

Special ballots.

Ballots shall be so printed as to give to each voter an opportunity to designate by a cross [X], in a square at the right of the name and designation of each candidate, and at the right of each question, his choice of candidates and his answer to such question; and upon the ballots may be printed such directions as will aid the voter: for example, "vote for one", "vote for two", "yes", "no", and the like. On the back and outside of each ballot when folded shall be printed the words, "Official Ballot for", followed by the designation of the voting precinct or town for which the ballot is prepared, the date of election, and a facsimile of the signature of the secretary of the commonwealth, or city or town clerk, in Boston a facsimile of the signatures of the election commissioners, who has caused the ballot to be prepared. Special ballots shall have the additional indorsement, "For School Committee only."

Marking of ballots, directions for, etc.

Official indorsement.

Section 260. The names of candidates for presidential electors shall be arranged in groups as presented in the several certificates of nomination or nomination papers. The groups shall be arranged in the alphabetical order of the surnames of the candidates for president, and the names of the candidates in each group shall be printed upon the ballots in two columns of equal width. If candidates are nominated at large and for the several congressional districts, the name and place of residence of one of the candidates at large shall be put at the head of each column, and the names of the other candidates with their places of residence and the numbers of their congressional districts shall follow in the numerical order of the districts. The surnames of the candidates of each political party for the offices of president and vice president, with the political designation thereof at the right of the surnames, shall be

Presidential electors, arrangement of names of candidates, etc. 1907, 560, § 232.

placed in one line above the group of candidates of such party for electors. A sufficient square in which each voter may designate by a cross [X] his choice for electors shall be left at the right of each political designation; and no other space or margin shall be left in any such group of candidates.

Official ballots, paper, size, form, type, etc. 1907, 560, § 233.

SECTION 261. The official ballots shall, except as otherwise provided herein, be of ordinary white printing paper, of two or more pages, and shall, before distribution, be so folded as to measure not less than four and one half inches nor more than five inches in width and not less than six inches nor more than thirteen and one half inches in length. The names of all candidates shall be printed in black ink in lines at a right angle with the length of the ballot. The names of all candidates, other than candidates for presidential electors and for president and vice president, and the initial letters of all names of candidates for presidential electors, shall be in capital letters not less than one eighth of an inch nor more than one quarter of an inch in height. The surnames and political designations of the candidates for president and vice president shall be in capital letters not less than three sixteenths of an inch in height.

Special ballots to be printed on colored paper.

The special ballots for women registered to vote for school committee shall be printed on colored paper of a different color from that of specimen ballots.

Ballots, number to be provided. 1907, 560, § 234. 1912, 266.

SECTION 262. One set of ballots of not less than sixty ballots for every fifty and fraction of fifty registered voters shall be provided for each polling place at which an election for state, city or town officers is to be held, and one set of special ballots of not less than sixty ballots for every fifty and fraction of fifty women registered to vote for school committee shall be provided for each polling place at which an election for city or town officers is to be held: *provided, however,* that the secretary of the commonwealth or the city or town clerk, as the case may be, may provide a duplicate set of ballots for any polling place when he deems it necessary.

Proviso.

Partial ballots for use in certain cases.

A sufficient number of partial ballots in state elections shall be prepared for voters who may be entitled to vote for a part only of the officers to be voted for in a city or town. A statement shall be printed on the back of such ballots, in addition to the official indorsement, indicating the class of voters for whose use the ballots are furnished, and such ballots only shall be furnished to such voters.

Ballots to be arranged in packages, etc. 1907, 560, § 235.

SECTION 263. Ballots, in convenient numbers, shall be arranged in packages. A record of the number of ballots

printed and delivered to each polling place shall be kept by the secretary of the commonwealth, or the city or town clerk, for one year.

Printing of ballots when vacancy occurs. 1907, 560, § 236.

SECTION 264. If a vacancy occurs or is declared in the list of nominations, by reason of death or ineligibility, the name of the candidate nominated to fill such vacancy shall, if the ballots have not been printed, be placed on them or, if the ballots have been printed, ballots containing the new nomination shall, when practicable, be substituted.

Information to Voters.

Cards of instruction, etc. 1907, 560, § 237.

SECTION 265. The secretary of the commonwealth in state elections, city clerks in city elections, in Boston the election commissioners, and town clerks in town elections at which official ballots are used, shall, for every such election, prepare and cause to be printed in large clear type cards containing full instructions to voters for obtaining ballots, marking them, obtaining assistance and new ballots in place of those accidentally spoiled; and on separate cards such abstracts of the laws imposing penalties upon voters as they shall deem proper. They shall also provide for each polling place ten or more specimen ballots which shall be facsimiles of the ballots provided for voting, but printed without the indorsements and on colored paper. The secretary of the commonwealth shall provide copies of any proposed amendment to the constitution submitted to the people, with a heading in large type, "Proposed Amendment to the Constitution."

Specimen ballots, etc., to be provided.

Copies of proposed amendments to the constitution.

Lists of candidates, etc., state elections, to be transmitted to registrars, etc. 1907, 560, § 238.

SECTION 266. The secretary of the commonwealth shall, at least five days before state elections, transmit to the registrars, in Boston to the election commissioners, printed lists of the names, residences and designations of candidates to be voted for at each polling place, substantially in the form of the official ballot, and also printed copies of any proposed amendment to the constitution. The registrars or election commissioners shall, upon the receipt thereof, conspicuously post in not less than three public places in each voting precinct or town the lists and copies aforesaid for such precinct or town.

To be posted.

City election, posting, publication. 1907, 560, § 239.

SECTION 267. City clerks, in Boston the election commissioners, shall, at least four days before a city election, cause to be posted in every voting precinct the names, residences and designations of all candidates duly nominated to be voted for in such city, substantially in the form of the

official ballot, and cause the same to be published in at least two newspapers, if there are so many published in said city, representing so far as practicable the two leading political parties.

Town election, posting. 1907, 560, § 240.

SECTION 268. Town clerks in towns using official ballots shall, at least four days before an election therein, cause to be posted in one or more public places the names, residences and designations of all candidates duly nominated to be voted for in such town, substantially in the form of the official ballot.

Lists of candidates, etc., state and city elections, to be published. 1907, 560, § 241. 1908, 461.

SECTION 269. The secretary of the commonwealth before every state election shall cause to be published a list of all candidates to be voted for in each senatorial district, except in the county of Suffolk, and the question of the approval and ratification of any proposed amendment to the constitution, and the city clerks, in Boston the election commissioners, before every city election shall cause to be published a list of all candidates to be voted for in their respective cities. Such lists and questions shall be in the form, as near as may be, in which they are to appear upon the official ballot, and said publication shall be made for state elections in each senatorial district in at least four newspapers in the English language, if there are so many in that district, except in the county of Suffolk, and in the county of Suffolk such publication shall be made in at least four newspapers in the English language published therein. Such publication, so far as is practicable, shall be in newspapers representing the two leading political parties, and at such reasonable cost as may be determined by the secretary of the commonwealth. For city elections such publication shall be made in at least two newspapers representing the two leading political parties, if there are so many in the city, devoted wholly or chiefly to the publication of general or local news.

Notice to be given to voters in cities of referendum measures. 1913, 408, § 1.

SECTION 270. Whenever any proposed law, or amendment to the constitution, is to be placed upon the ballot at any election to be voted upon by the voters taking part in such election, it shall be the duty of the city clerk in every city where the proposed law or amendment is to be voted upon, except as hereinafter provided, to cause to be sent to each of the registered voters in his city entitled to vote thereon a copy of the proposed law or amendment of the constitution, with the statement that the proposed law or amendment is to be voted on at said election.

Statement of general purport of proposed law or amendment may be substituted in certain cases. 1913, 408, § 2.

SECTION 271. Upon a vote of the city council of any city, with the approval of the mayor, there may be substituted for a copy of such proposed law or amendment a statement of the general purport of the proposed law or amendment, which statement shall be prepared by the city solicitor of the city and shall be approved by the mayor and city council.

When to be sent. 1913, 408, § 3.

SECTION 272. All such copies or statements shall be sent not less than seven days and not more than twenty-one days before the election at which said matter is to be voted upon.

Certain provisions may be suspended, etc. 1913, 408, § 4.

SECTION 273. By vote of the city council of any city, with the approval of the mayor, the provisions of the three preceding sections may be suspended and made inapplicable as to a particular proposed law or constitutional amendment.

Delivery of Ballots, etc.

Ballots, etc., state election, packing. 1907, 560, §§ 237, 242. 1912, 266.

SECTION 274. Ballots for state elections shall be enclosed in a package by the secretary of the commonwealth, sealed and marked with the number of ballots of each kind therein, and specimen ballots, cards of instruction, cards containing abstracts of the laws imposing penalties upon voters, and copies of any proposed amendment to the constitution shall be enclosed in another package, and the whole shall be further enclosed in a single package with marks on the outside indicating its contents and the polling place for which it is intended.

Delivery, record, etc.

He shall transmit to the city or town clerks, in Boston to the election commissioners, the ballots, cards of instruction, cards containing abstracts of the laws imposing penalties upon voters, and copies of proposed amendments to the constitution, so that they shall be received at least twelve hours before the date of election, and the clerks or election commissioners shall return receipts therefor to the secretary. He shall keep a record of the time when and the manner in which the several packages are transmitted, and shall preserve the receipts therefor for one year.

City and town elections.

The clerk of each city, in Boston the election commissioners, and the clerk of each town using official ballots shall enclose the ballots, specimen ballots, cards of instruction and cards containing abstracts of the laws imposing penalties upon voters for city or town elections in the same manner.

Delivery at polls, state

SECTION 275. The city or town clerk, in Boston the election commissioners, shall, on the day of every state or

and city elections. 1907, 560, §§ 237, 243. 1912, 266.

city election, before the opening of the polls, transmit to the election officers of each polling place therein, the ballots with accompanying specimen ballots, cards of instruction, cards containing abstracts of the laws imposing penalties upon voters, and copies of proposed amendments to the constitution, which have been provided for such polling place; and the presiding election officer at the polling place shall receipt therefor to the clerk, or election commissioners, and such receipt, with a record of the number of ballots transmitted, shall be kept in the clerk's or election commissioners' office for one year. At town elections, the town clerk shall, on the day of the election, before the opening of the polls, deliver the ballots at the polling place to the ballot clerks, who shall receipt therefor, and their receipt shall be preserved in the office of the clerk for the period of one year. If a moderator presides at such election, no such ballots shall be delivered to voters until he has been chosen. The town clerk shall also deliver the specimen ballots, cards of instruction and cards containing abstracts of the laws imposing penalties upon voters at the same time and place. No ballots or specimen ballots shall be delivered by city or town clerks except as provided in this section.

Receipt, record.

At town elections.

Substitute ballots. 1907, 560, § 244.

SECTION 276. If the ballots provided for any polling place are not delivered, or if after delivery they are destroyed or stolen, the city or town clerk, in Boston the election commissioners, shall cause similar ballots to be prepared; and upon receipt of such new ballots, accompanied by a statement by the clerk or election commissioners under oath that they have been so prepared and transmitted by him or them, and that the original ballots have not been delivered or have been so destroyed or stolen, the ballots so substituted shall be used.

Calling of Elections.

Annual state election, date, officers to be chosen. 1907, 560, § 245. 1908, 597, § 1.

SECTION 277. The annual state election for the choice of governor, lieutenant governor, councillors, secretary, treasurer and receiver general, attorney-general, auditor of the commonwealth, and senators and representatives in the general court, shall be held on the Tuesday next after the first Monday in November. There shall also be chosen at the annual state election, when required by law, presidential electors, and, in their respective districts or counties, representatives in congress, district attorneys, clerks of the courts, registers of probate and insolvency, registers of deeds,

county commissioners, associate commissioners, sheriffs and county treasurers.

Calls for elections in cities. 1907, 560, § 246.

SECTION 278. Meetings of the voters of each city for the election of state officers and city officers shall be called by the aldermen, and the city clerk shall, under their direction, cause notice of such meetings to be printed in one or more newspapers published in such city and to be conspicuously posted in the office of the city clerk; and in Boston, in at least four daily newspapers published therein. Such notices shall be in lieu of the notices or warrants for election required in any city by special statutes. Meetings of the voters of each town for the election of state officers and town officers shall be called as provided in section three hundred and ninety-four. Meetings for the annual state, city and town elections shall be called at least seven days before the day prescribed for the holding thereof.

In towns.

Seven days' notice to be given.

Notices or warrants to specify offices, etc. 1907, 560, § 247. 1912, 307, § 473.

SECTION 279. Notices or warrants for meetings for state and city elections and for the election of town officers in towns where official ballots are used shall specify by name all the offices to be voted for, and state in full any proposed amendment to the constitution or other question submitted to the people: *provided, however,* that any act submitted for acceptance may be stated by its chapter number and title only. They shall specify the time when the polls will be opened, and in cities, when the polls will be closed, and in towns, when they may be closed.

Proviso.

To specify time for opening and closing polls, etc.

In cities, time of opening and closing polls.

In cities, the polls may be opened as early as six o'clock in the forenoon and shall be opened as early as ten o'clock in the forenoon and shall be kept open at least six hours, but in no case after the hour of eight o'clock in the evening.

In towns, time of opening and closing polls.

In towns, at the election of state and town officers, the polls may be opened as early as fifteen minutes before six o'clock in the forenoon and shall be opened as early as twelve o'clock, noon, and shall be kept open at least four hours, and until the time specified in the warrant when they may be closed; and they may be kept open for such longer time as the meeting shall direct, but they shall not be kept open after the hour of eight o'clock in the evening. At annual town meetings they shall be kept open at least one hour for the reception of votes upon the question of licensing the sale of intoxicating liquors. After an announcement has been made by the presiding officer of a time so fixed for closing the polls they shall not be closed at an earlier hour.

A town may by by-law designate hour at which annual town meeting shall be called, etc.

A town may by by-law designate the hour at which the annual town meeting shall be called, and, subject to the provisions of this section, may designate the hours during which the polls shall remain open; and, further, may provide that all business, except the election of such officers and the determination of such matters as by law are required to be elected or determined by ballot, shall be considered after a certain hour, or by adjournment to another day.

Conduct of Elections.

State, city and town elections, posting instructions, etc. 1907, 560, §§ 237, 248, 392.

SECTION 280. At an election of state or city officers, and of town officers in towns where official ballots are used, the presiding election officer at each polling place in a city or town shall, before the opening of the polls, post at least three cards of instruction, three cards containing abstracts of the laws imposing penalties upon voters, three copies of proposed constitutional amendments, if any, and at least five specimen ballots within the polling place outside the guard rail, and the cards of instruction and a copy of any proposed amendment in each marking compartment; and no other poster, card, handbill, placard, picture or circular intended to influence the action of the voter, except a paster to be placed upon the official ballot, shall be posted, exhibited, circulated or distributed in the polling place, in the building in which the polling place is located, on the walls thereof, on the premises on which the building stands, on the sidewalk adjoining the premises where such election is being held, or within one hundred and fifty feet of the entrance to such polling place. Pasters to be placed on the official ballot shall be subject to all the restrictions imposed by sections two hundred and fifty-eight and two hundred and sixty-one as to names, residences and political designations of candidates and the size of the type in which the names shall be printed. The presiding election officer shall, at the opening of the polls, publicly open the packages containing the ballots and deliver them to the ballot clerks. All specimen ballots not posted shall be kept in the custody of the presiding officer until after the closing of the polls.

Pasters to be subject to certain restrictions.

Delivery of ballots to ballot clerks.

Disposition of specimen ballots not posted.

State ballot boxes to be used, etc. 1907, 560, § 249.

At opening of polls to be shown to be empty.

SECTION 281. The state ballot boxes shall be used for receiving the ballots in state and city elections, and in town elections where official ballots are used. The election officers at each polling place shall, at the opening of the polls and before any ballots are received, publicly open the ballot

box, and ascertain by personal examination, and publicly show that the same is empty, and shall immediately thereafter lock or fasten the box. The clerk of the precinct or town shall make a record of the condition of the box register, and, if a key is used, it shall be retained by the police officer or constable at the polling place. The ballot box shall not, after it is shown to be empty, be removed from public view until all ballots have been removed therefrom and the box has been relocked or sealed. The ballot box shall not be opened nor any ballot removed therefrom until the polls are closed, except as provided in section three hundred and two; but in order to make room for ballots, the presiding officer may, in the presence of all the election officers, open the box and pack and press down the ballots therein.

Record, custody of key.

Not to be removed from public view.

Opening of box, removal of ballots, etc.

The presiding officer of each polling place shall have charge of the ballot box and ballot box seal, and shall, at the close of each election, return the same, either personally or by a police officer or constable in attendance at the polling place, to the city or town clerk, in Boston to the election commissioners.

Presiding officer to have charge of ballot box, etc.

If it becomes impossible to use the state ballot box, the voting shall proceed in such manner as the presiding officer shall direct, and in such case the clerk shall record the reason why such ballot box is not used, and shall enclose an attested copy of such record in the envelope with the ballots cast. The provisions as to the use and custody of the state ballot box shall, so far as applicable, apply to the ballot box substituted therefor.

State ballot box, proceedings when impossible to use.

Provisions to apply to substitute.

SECTION 282. One voting list shall be delivered to the ballot clerks and another to the officers in charge of the ballot box. When a ballot is delivered to a voter, his name shall be checked on the first and when he deposits his ballot it shall be checked on the second. The officer in charge of the ballot box and the officer in charge of the voting list shall be of different political parties.

Voting lists, delivery and use. 1907, 560, § 250.

Political representation at box and list.

SECTION 283. No election officer shall, before the public declaration of the vote, make any statement of the number of ballots cast, the number of votes given for any person, the name of any person who has voted or whose name has not been checked, or of any other fact tending to show the state of the polls, except that he shall when requested make a statement of the figures on the ballot box register, which statement shall not be considered an official declaration as to the state of the polls or of the number of ballots cast.

No statement to be made before public declaration of vote, except, etc. 1907, 560, § 251. 1911, 304.

Persons permitted within guard rail. 1907, 560, § 252.

SECTION 284. No persons except the election officers, supervisors, the city clerk of the city, in Boston the election commissioners, and voters admitted for the purpose of voting, shall, during the progress of an election and until the public declaration of the vote, be permitted within the guard rail, unless authorized by the election officers for the purpose of keeping order and enforcing the law.

Number of voters allowed within guard rail. 1907, 560, § 253.

SECTION 285. No more than four voters, besides election officers and supervisors, the city clerk of the city, in Boston the election commissioners, in excess of the number of marking compartments provided, shall be allowed at one time within the guard rail, and except the election officers and supervisors, no voters shall be admitted therein after the time fixed for closing the polls; but voters previously admitted shall be allowed five minutes after the time so fixed to deposit their ballots.

Presiding officer, general powers and duties. 1907, 560, § 254.

SECTION 286. The presiding officer at each polling place shall enforce the performance of their duties by election officers. He shall have authority to maintain order and to enforce obedience to his lawful commands, during an election and the counting of the ballots after the close of the polls, in and about the polling place and to keep the access thereto open and unobstructed, and he may require any police officer, constable or other person to communicate his orders and directions and assist in their enforcement.

Police officer, etc., to preserve order. 1907, 560, § 255.

SECTION 287. The board or officer in charge of the police force of each city and town shall detail a sufficient number of police officers or constables for each polling place at every election therein to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the provisions of this chapter.

Persons smoking, etc., or having liquor, etc., to be removed. 1907, 560, § 256.

SECTION 288. Any person who, during an election or town meeting, shall, in a polling place or place of such meeting, smoke or have in his possession a lighted pipe, cigar or cigarette, or carry into any such place or keep therein any intoxicating liquor, shall be deemed guilty of disorderly conduct; and the presiding officer shall order him to remove such pipe, cigar, cigarette or liquor, or to withdraw from such place, and for disobedience of such order shall cause him to be removed from such polling place or meeting.

Offender to be detained, etc., but not prevented from voting. 1907, 560, § 257.

SECTION 289. If a person at an election refuses to obey the lawful commands of the presiding officer or, by disorderly conduct interrupts or disturbs the proceedings of an election officer, the presiding officer may require any police

officer, constable or other person to take him into custody and detain him until after the election; but the presiding officer may at any time order his release. Such order of detention shall not be so enforced as to prevent such person, if a voter at that polling place, from voting.

Duties of officers when law is violated. 1907, 560, § 258.

SECTION 290. Every election officer shall forthwith report any violation of the provisions of sections two hundred and seventy-seven to three hundred and thirty-four, inclusive, to the police officer or constable in attendance at the polling place, and such police officer or constable shall cause the offender to be prosecuted.

Manner of Voting.

Voting, giving of name, delivery of ballot, etc. 1907, 560, § 259.

SECTION 291. Each voter desiring to vote at a polling place where official ballots are used shall give his name and, if requested, his residence to one of the ballot clerks, who shall thereupon distinctly announce the same; and if such name is found upon the voting list by the ballot clerk, he shall check and repeat the name and give one ballot to such voter, who shall then be admitted within the guard rail. If not entitled to vote for all the offices upon the ballot, he shall receive a partial ballot. If the voter is a woman, she shall receive a special ballot containing the names of candidates for school committee only.

Marking of ballots. 1907, 560, § 260.

SECTION 292. The voter on receiving his ballot shall, without leaving the enclosed space, retire alone to one of the marking compartments, and shall, except in the case of voting for presidential electors, prepare his ballot by making a cross [X] in the square at the right of the name of each candidate for whom he intends to vote or by inserting the name of such candidate in the space provided therefor and making a cross in the square at the right; and, upon a question submitted to the vote of the people, by making a cross in the square at the right of the answer which he intends to give.

Voting for presidential electors. 1907, 560, § 261.

SECTION 293. A voter may vote for an entire group of candidates for presidential electors by making a cross [X] in the square at the right of the party or political designation immediately above such group. If a voter does not intend to vote for any one candidate in the group, he may erase his name, and the cross shall count as a vote for each of the other candidates in such group. If a voter desires to vote for another person in place of a candidate whose name he

has erased, he may insert his name in one of the blank spaces and make a cross in the square at the right thereof. A voter who does not mark for any group of candidates may vote for candidates for electors, up to the number to be elected, by inserting names in the blank spaces at the end of the groups of electors and making a cross in the square at the right of each name so inserted.

Assistance in marking ballot. 1907, 560, § 262. 1912, 641, § 9.

SECTION 294. A voter who declares on oath to the presiding officer that he had the right to vote on the first day of May in the year eighteen hundred and fifty-seven and cannot read, or that from blindness or other physical disability he is unable to prepare his ballot or register his vote upon a voting machine, shall be assisted in such marking or registering by one or two of the election officers, who shall be of such political party, represented among the election officers, as the voter may request; and they shall certify, on the outside of the ballot, when ballots are used, that it was marked with their assistance, and shall thereafter give no information regarding such marking or registering.

Certain marks upon ballot prohibited. 1907, 560, § 263.

SECTION 295. Except as authorized by this act, no voter, election officer or other person shall place any mark upon a ballot by which it may be identified; nor shall any person place a mark against any name upon a ballot not cast by himself.

Voter spoiling ballot may obtain others. 1907, 560, § 264.

SECTION 296. If a voter spoils a ballot, he may obtain two others, one at a time, upon returning each spoiled one, and all ballots so returned shall immediately be marked by an election officer "Spoiled."

Voter to fold ballot, etc. 1907, 560, § 265.

SECTION 297. Before leaving the marking compartment the voter shall fold his ballot, without displaying the marks thereon, as it was folded when received by him, and he shall keep it so folded until he has voted. A voter shall mark and deposit his ballot without undue delay, and shall leave the space enclosed by the guard rail as soon as he has voted. No voter shall occupy a marking compartment occupied by another, nor remain within the guard rail more than ten minutes, nor occupy a voting compartment more than five minutes, if all the marking compartments are in use and other voters are waiting to occupy the same.

Time allowed in enclosed space, etc.

Depositing ballot, giving name, etc. 1907, 560, § 266.

SECTION 298. A voter after marking his ballot shall give his name and, if requested, his residence, to one of the officers in charge of the ballot box, who shall distinctly announce the same. If the name is found upon the voting

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list by the election officer, he shall distinctly repeat the name, and in Boston the height, and check the name upon the voting list; and the voter may then deposit his ballot in the ballot box with the official indorsement uppermost and in sight. No ballot without the official indorsement, except as provided in section two hundred and seventy-six, shall be deposited in the ballot box. No person shall vote if his name is not on the voting list, nor until the election officer shall check his name thereon, unless he presents a certificate from the registrars of voters as provided by section sixty-four.

No ballot without official indorsement to be deposited, etc.

Voter's name to be checked, etc.

SECTION 299. No person shall remove any ballot from the space enclosed by the guard rail before the polls are closed. No voter whose name has been checked on the voting list in charge of the ballot clerk, other than an election officer or supervisor, shall again enter such enclosed space during the election.

Ballots not to be removed, from enclosed space, etc. 1907, 560, § 267.

SECTION 300. If in any state, city or town election at which official ballots are used the right of a person offering to vote is challenged for any legal cause, the presiding officer shall administer to him the following oath:

Proceedings when vote is challenged. 1907, 560, § 268.

You do solemnly swear [or affirm] that you are the identical person whom you represent yourself to be, that you are registered in this precinct [or town] and that you have not voted at this election.

He shall also be required to write his name and residence on the outside of the ballot offered, and the presiding officer shall add thereto the name of the person challenging, and the cause assigned therefor, whereupon such ballot shall be received; and no person shall make any statement or give any information in regard thereto, except as required by law. The clerk shall record the name and residence of every person who has been challenged and has voted.

Counting of Votes.

SECTION 301. The blank forms and apparatus provided by the secretary of the commonwealth shall be used in ascertaining the result of the election or vote in state elections in cities and towns, in city elections, in elections of town officers in towns in which official ballots are used, and also in taking the vote upon any proposed amendment to the constitution, upon the question of granting licenses for the sale of intoxicating liquors, and upon any other

State blanks and apparatus to be used, etc. 1907, 560, § 269.

question submitted by statute to the voters of the commonwealth, or of any city or town in which official ballots are used. If it is impossible to use such blank forms or apparatus, the canvass of the votes shall be made as the presiding officer shall direct; and the clerk shall record the facts relating to the failure to use such blank forms or apparatus, and shall enclose an attested copy of such record in the envelope with the ballots cast.

Proceedings when impossible to use.

Proceedings at close of polls. 1907, 560, § 270.

SECTION 302. If the state ballot box is used, the clerk shall, as soon as the polls are closed, record the ballot box register. The election officers shall then, publicly and in the presence of the other election officers, count audibly and distinctly the number of names checked on each list and announce the same. The ballot box shall then be opened by the presiding officer and the ballots taken therefrom and audibly counted, one by one, and the whole number of ballots cast shall be publicly announced by him. The ballots may be divided into convenient packages, and, except as hereinafter provided, each block or package shall be canvassed and counted by two election officers representing the two leading political parties, detailed by the presiding officer. Each election officer, in so canvassing and counting votes, shall be under the inspection of an election officer of a different political party. The result of the canvass and count shall be reported to the presiding officer, who shall cause it to be correctly recorded on the blank forms provided for the purpose. At state elections in towns not divided into voting precincts, the canvass and count of votes shall be made by the selectmen and town clerk, who may be assisted by the tellers.

Canvass of ballots, etc.

At state elections in towns not divided into voting precincts.

Announcement of result, etc.

The clerk in open meeting shall publicly announce the result of the vote and enter in his records, in words at length, the total number of names of male and female voters checked on the voting lists, the total number of ballots cast, the names of all persons voted for, the number of votes for each person and the title of the office for which he was a candidate, the number of blank ballots for each office, and the number of affirmative and negative votes in answer to any question submitted to the voters, and shall forthwith make a copy of such record, certify and seal up the same, and deliver it to the city or town clerk, in Boston to the election commissioners, who shall forthwith enter it in his or their records.

Ballots, proceedings, etc., to be kept in open view, etc.

The voting lists and all ballots removed from the ballot box shall be kept in open view of the voters present until

enclosed and sealed up, and all proceedings in the canvass and counting of votes shall be public and in open view of the voters, and there shall be no adjournment or postponement until the canvass and counting have been completed, and the voting lists and ballots have been enclosed and sealed up.

Removal of ballots from ballot box before voting has ceased, counting, etc.

In towns, the ballot box at any polling place may be opened and ballots taken therefrom for counting when all the selectmen and the town clerk, or both the moderator and the town clerk, as the case may be, or all the election officers at the voting precinct shall so order. When the ballots have been thus removed the presiding officer shall select from the election officers an equal number from each of the two leading political parties, who shall canvass such ballots, in accordance with the provisions of this section; but no announcement of the result of such canvass shall be made by any election officer until the total result of the canvass of ballots has been ascertained.

No announcement to be made, etc.

Certain ballots not to be counted. 1907, 560, § 271.

SECTION 303. If the use of a state ballot box is required, no ballot shall be counted unless it has been deposited in and cancelled by such ballot box, or has been otherwise deposited according to the provisions of section two hundred and eighty-one; and no ballot shall be counted in any election for which official ballots are provided except such ballots. If a voter marks more names than there are persons to be elected to an office, or if his choice cannot be determined, his ballot shall not be counted for such office. Ballots cast but not counted shall be marked "defective" on the outside thereof, and shall be preserved like other ballots.

Defective ballots.

Ballots cast to be sealed up, indorsed, etc. 1907, 560, § 272.

SECTION 304. The presiding officer at every polling place at elections of state and city officers and of town officers in towns in which official ballots are used shall, after the record of the counting has been made, cause all ballots cast to be publicly enclosed in an envelope and sealed up with the seal provided for the purpose, and also with the private seal of any election officer who may desire to affix the same; and a majority of the election officers of the voting precinct or town shall indorse upon such envelope the polling place, the election and the date, and also a certificate that all the ballots cast by the voters of such precinct or town, and none other, are contained therein. He shall cause all ballots not cast to be enclosed in an envelope and sealed up as aforesaid, and shall certify on the envelope the contents thereof.

Ballots not cast to be sealed up and certified.

Voting lists to be sealed up and certified.

Ballots, voting lists, etc., to be delivered to city or town clerk or election commissioners.

Such presiding officer shall cause the voting lists to be enclosed in an envelope and sealed up as aforesaid, and a majority of the election officers shall certify thereon to the identity of the voting lists enclosed. He shall forthwith personally deliver to the city or town clerk, or in Boston to the election commissioners, or transmit to him or them, by the police officer or constable in attendance at the election, all the ballots cast, and not cast, the voting lists, the ballot box, ballot box seals and counting apparatus.

Copies of voting lists as checked may be furnished. 1907, 560, § 273.

SECTION 305. Upon written application, signed by at least ten voters in the town or ward of which the precinct forms a part, the city or town clerk, and in Boston the election commissioners, may open the envelope containing such voting list and may make a copy of the list as checked. In Boston, such copies shall contain only the name and residence of the voter. After any such voting list has been so copied, said clerk or election commissioners shall at once enclose the list in an envelope and seal up the same and certify thereon to the identity of such lists.

Voting lists to be again sealed and certified.

Ballots cast, custody, destruction, etc. 1907, 560, § 274.

SECTION 306. City and town clerks, in Boston the election commissioners, shall retain in their custody the envelope containing the ballots cast, without examining them or permitting them to be examined by any person except as required by law, and upon the expiration of the period fixed for their preservation shall cause such ballots to be destroyed.

Voting lists and ballots not cast, custody, disposition, etc.

City and town clerks, in Boston the election commissioners, shall retain in their custody the voting lists and ballots not cast as long as they retain the ballots cast. They shall then transmit such voting lists to the registrars of voters for future reference, and shall destroy the ballots marked "Spoiled", without examining them or permitting them to be examined, and may make such disposition of the undistributed ballots as they may deem proper.

Records and Certificates of Election.

Record not to be rejected when number of votes can be ascertained. 1907, 560, § 275.

SECTION 307. No record of votes cast or copy thereof shall be rejected if the number of votes given for each candidate for an office can be ascertained therefrom.

Examination of precinct records, correction, etc. 1907, 560, § 276.

SECTION 308. The aldermen and city clerk, in Boston the election commissioners, and the selectmen and town clerk in towns divided into voting precincts, shall forthwith after a state or city election examine the copies of the records of the election officers, and if any error appears therein, they

shall forthwith give notice thereof to the officers by whom the error was made, who shall forthwith make an additional record under oath in conformity with the facts and deliver a copy thereof to the city or town clerk or election commissioners. Such copy of the records made, with or without notice as aforesaid, shall be received by the city or town clerks or election commissioners at any time before the last day fixed for the transmission of copies of records of the votes cast in the city or town, or on which the results of the election are required to be declared.

Examination of records, certification of copies, etc.

The aldermen and city clerk, the election commissioners, and the selectmen and town clerk, shall examine all original and all additional copies of the records and make them part of the records of such election, and shall certify and attest copies of the records of votes for the several candidates.

Returns of votes to secretary of the commonwealth. 1907, 560, § 277. 1908, 597.

SECTION 309. The clerk of each city and town, within ten days, and in Boston the election commissioners, within fifteen days, after the day of any election therein for a senator in congress, representative in congress, governor, lieutenant governor, councillor, secretary, treasurer and receiver general, auditor of the commonwealth, attorney-general, clerk of courts, register of probate and insolvency, sheriff, district attorney, or senator, or for presidential electors, shall transmit to the secretary of the commonwealth copies of the records of votes for such officers, certified by the aldermen or the selectmen, or by the election commissioners, and attested and sealed by the clerk or by said commissioners. The city or town clerk shall, within ten days after an election for county treasurer or register of deeds, transmit to the county commissioners, and within ten days after an election therein for county commissioners or associate commissioners, transmit to the clerk of the courts the records of votes for such officers, certified, attested and sealed as aforesaid; except that in Chelsea, Revere and Winthrop the records of votes for register of deeds shall be transmitted to the election commissioners of Boston, and that in Revere and Winthrop the records of votes for county commissioner and associate commissioners shall be transmitted to the clerk of the courts for the county of Middlesex. Such copies shall be transmitted in envelopes, upon which shall be stated the offices for which and the districts in which the votes were cast.

Returns of votes to county commissioners and clerks of courts, etc.

For register of deeds, Suffolk county.

For county commissioners, etc., Revere and Winthrop, etc.

To be transmitted in envelopes properly indorsed.

Proceedings when copy

SECTION 310. If any such copy transmitted to the secretary of the commonwealth is not sealed as required by law,

is received unsealed. 1907, 560, § 278.

he shall forthwith give notice thereof to the officers who transmitted the same; and thereupon another copy shall be made, attested, certified, sealed and transmitted to the secretary. If the second copy is received by him before determination of the persons appearing to be elected and the original appears to be in substantial conformity therewith, the original copy shall not be rejected.

Memorandum of receipt to be made. 1907, 560, § 279.

SECTION 311. The secretary of the commonwealth shall cause the date of the receipt of each copy of the records of votes to be indorsed on the envelope containing it; and if received unsealed, a memorandum thereof shall be made on the copy.

Examination of returns of votes. 1907, 560, § 280.

SECTION 312. The secretary of the commonwealth shall lay before the governor and council the copies of the records of votes cast with their seals unbroken. The governor with at least five councillors shall, as soon as may be, open and examine all such copies and determine who are elected to the several offices.

Abstract for newspapers.

Upon such determination, the secretary, upon application, shall furnish to newspapers an abstract of the records of the votes examined.

Certification of examination. 1907, 560, § 281. 1908, 597, § 1.

SECTION 313. The governor shall, in the presence of at least five councillors, certify to the results of the examination of the copies of the records of the votes for governor and lieutenant governor, for councillors, for secretary, treasurer and receiver general, auditor of the commonwealth, and attorney-general, and for senators and shall issue his summons to such persons as appear to be chosen to said offices.

Summons to be issued.

Certificates of election to be issued.

The governor shall issue certificates of election to such persons as appear to be chosen to the offices of senator in congress, representative in congress, clerk of the courts, register of probate and insolvency, sheriff and district attorney, which shall be countersigned and transmitted by the secretary.

Returns, etc., to be delivered to secretary of the commonwealth. 1907, 560, § 282.

SECTION 314. After such certification, such copies shall be replaced in their respective envelopes and delivered with the certificate of examination to the secretary, who shall on the first Wednesday in January lay the same, with schedules showing the number of ballots cast for each person voted for, before the senate and house of representatives.

To be laid before legislature.

To be filed in office of secretary.

Except for the above purposes, all such copies, both original and corrected, transmitted to the secretary, shall remain on file in his office and be there open to the inspection of any interested person.

Presidential electors, examination of

SECTION 315. The copies of the records of votes for presidential electors shall, in any event, within ten days after

returns of votes. 1907, 560, § 283.

they have been transmitted to the secretary of the commonwealth be opened and examined by the governor and council, who shall thereafter declare, by proclamation printed in at least one newspaper in each county, the names of the persons who have received at least one fifth of the entire number of votes cast for electors, and the number of votes received by each such person. The several persons, to the number of electors required to be chosen, who have received the highest number of votes so ascertained, unless notice of a contest has been received by the governor, shall, at the expiration of fourteen days from the date of such proclamation, be deemed to be elected; and the governor shall thereupon issue a certificate of election to every such person.

Proclamation.

Certificates of election to be issued unless contested.

Certain persons may petition for a declaration of election, etc. 1907, 560, § 284.

SECTION 316. Any person who appears, by the proclamation of the governor, to have received not less than one fifth of the entire number of votes cast for electors, may, if the election is contested, apply by petition to the supreme judicial court for the county of Suffolk, for a declaration of his election as an elector. Such petition shall set forth the name of every person whose election is contested and the ground for the contest shall be filed within seven days after the date of such proclamation and shall not thereafter be amended. Before any proceedings thereon, the petitioner shall recognize to the commonwealth, in such sum and with such sureties as the court shall order, to pay all costs incurred in the prosecution of his petition if he shall not prevail. If the petitioner prevails, the cost shall be paid by the commonwealth. The court shall fix a day for a hearing by the full court, which shall be not less than three or more than seven days after the date of the filing of the petition, and shall order notice of the hearing to be given, with a statement of the substance of the petition in such manner as it may direct, to the governor and to every person whose election is contested. The court shall also order such notice to be published in at least one newspaper designated by it in each county.

Day to be fixed for hearing, notice, etc.

Petitioner and contestant may appear and produce evidence, etc. 1907, 560, § 285.

SECTION 317. The petitioner and the contestant may appear and produce evidence at the hearing, and no person other than the petitioner or a contestant shall be made a party to the proceedings on such petition, or be heard thereon. If more than one petition is pending, or the election of more than one person is contested, the court may, in its discretion, order the cases to be heard together and shall apportion the costs between them, and shall finally determine all questions

Witnesses not to be excused.

Not liable to prosecution, etc.

Court to certify its decision to governor, etc.

of law and fact. No person shall be excused from testifying or producing papers or documents therein on the ground that his testimony or the production of the papers or documents will tend to criminate him; but no person so testifying shall be liable to any suit or prosecution, civil or criminal, for any matter or cause in respect to which he shall be so examined or to which his testimony shall relate, except to a prosecution for perjury committed in such testimony. The court shall forthwith certify its decision to the governor, who shall thereupon issue certificates of election in accordance therewith. If the petitioner does not prosecute his petition it shall be dismissed and notice thereof given to the governor, who shall issue certificates of election to the persons entitled thereto.

County commissioners to examine certain returns of votes, etc. 1907, 560, § 286.

Notice to secretary of the commonwealth.

SECTION 318. The county commissioners to whom the copies of the records of votes for county treasurer and register of deeds have been transmitted shall, on the first Wednesday of the month following the election, examine such copies, determine what persons appear to be elected, issue certificates of election to them and give notice to the secretary of the commonwealth of the name, residence and term of office of every person elected.

Returns of votes for register of deeds, Suffolk county.

In the county of Suffolk, the election commissioners of Boston shall, within ten days after the election of register of deeds, in like manner examine the copies of the records of votes, determine who appears to be elected, issue a certificate and give notice as above provided.

Board of examiners to examine in certain counties, etc. 1907, 560, § 287.

SECTION 319. In each county except Suffolk and Nantucket, the judge and register of the probate court and the clerk of the courts shall be a board of examiners; and if two of said offices are held by the same person in any county, the sheriff shall be a member of the board. The members of said board shall each be paid at the rate of three dollars a day for every day employed in the performance of their duties and ten cents a mile for travel to and from the place of their meeting; and their accounts shall be audited and settled by the county treasurer. Said board shall meet on the first Wednesday of the month following an election for county commissioner or associate commissioners and shall examine such copies, determine what persons appear to be elected, issue certificates of election to them and give notice to the secretary of the commonwealth of the name, residence and term of office of every person so elected, and shall, within three days thereafter deposit said copies in the office of the clerk of the courts.

Notice to secretary of the commonwealth, etc.

When incomplete, etc., new returns to be made, etc. 1907, 560, § 288.

SECTION 320. If it shall appear to the governor and council, to the board of examiners, to the election commissioners or to the county commissioners, that any such copy is incomplete or erroneous, they may order a new copy of the records to be made and transmitted to them. Such new copy shall be transmitted by the city or town clerk, in Boston by the election commissioners, within seven days thereafter, and if found to be correct and in conformity to the requirements of law, shall have the same force as a first copy.

Representative district, one city or town, etc., examination, record. 1907, 560, § 289.

SECTION 321. If a district for the election of representatives in the general court is composed of one city or town, or one or more wards of a city, the board of aldermen or the selectmen, in Boston the election commissioners, shall forthwith examine the records of the votes and determine who appear to be elected. The city or town clerk or election commissioners shall record the names of all persons for whom votes for representative were cast, and the number of votes for each.

In other districts copy of record to be delivered to city or town clerk. 1907, 560, § 290.

SECTION 322. In other representative districts, the election officers in every voting precinct, and the selectmen and town clerk of each town therein not divided into voting precincts, shall, as soon as the vote for representatives has been recorded, cause a complete copy of such record to be made, and shall certify, seal and deliver it to the city or town clerk.

Clerks to meet and determine election, etc.

The city and town clerks in such districts shall meet at the place designated at noon on the tenth day following the day of the election; but on the fourth day following the day of an election to fill a vacancy. They shall examine the copies of the records of votes of every such voting precinct and town, and determine who appear to be elected to the office of representative. They shall, in words at length, make and certify a schedule of the names of all persons for whom votes for representative were cast in the district and the number of votes for each, and the clerk of each city and town shall record such schedule within four days after the day of the meeting.

Designation of places of meeting of clerks. 1907, 560, § 291.

SECTION 323. If a representative district is included within the provisions of the preceding section, the officers authorized to divide the county into representative districts shall, in making such division, designate a place in each such district or adjacent thereto at which the clerks shall meet to determine the result of the election. Such place of meeting may be changed on petition of two of such clerks

Place may be changed.

Notice to be given.

after a hearing; but not oftener than once in two years. Notice of such designation and of every change thereof shall be given by the said officers having such authority to the secretary of the commonwealth, and to every city and town clerk in the district.

Correction of errors in records of votes for representatives. 1907, 560, § 292.

SECTION 324. If an error appears in the copies of the records of votes for a representative, the city and town clerks shall forthwith give notice thereof to the election officers, who shall thereupon make an additional record under oath and transmit a copy thereof to said clerks. Such additional copy shall be examined by them if received within two days from the time appointed for their meeting; and for such purpose their meeting may be adjourned for not more than two days.

Certificates of election to be made in duplicate. 1907, 560, § 293.

SECTION 325. The board of aldermen, the election commissioners, the selectmen, or the city or town clerks acting in a representative district shall make duplicate certificates of election of the persons appearing to be elected and shall, within fifteen days after the day of the election, or within ten days after the day of an election to fill a vacancy, transmit one certificate to the secretary of the commonwealth, and shall transmit the other certificate, by a constable or other officer, to the person elected. Such certificates of election shall be in the following form: —

Transmission.

Form of certificate.

Commonwealth of Massachusetts, county of . At a meeting of the qualified voters of Representative District Number , held on the day of November instant, for the choice of Representatives in the General Court to be holden on the first Wednesday of January next, were elected to said office.

Dated at the day of in the year one thousand nine hundred and

Officer transmitting to make return, etc.

Sections one to four, inclusive, of chapter three, Revised Laws, this section and section three hundred and thirty-eight of this act shall be printed on every such form. The officer transmitting the certificate shall make a return of his doings.

Returns of votes to secretary of the commonwealth. 1907, 560, § 294.

SECTION 326. City and town clerks, in Boston the election commissioners, shall, within fifteen days after an election for representative in the general court, transmit to the secretary of the commonwealth an attested copy of the record of votes cast for all candidates for said office in each voting precinct and in each town not divided into voting precincts.

SECTION 327. The whole number of ballots cast at elections shall be stated in words at length in the records of votes and in all copies thereof, but if not so stated, the record or copy shall not be invalid if the true result can be ascertained therefrom.

Whole number of ballots to be stated in words at length, etc. 1907, 560, § 295.

SECTION 328. A violation by a public officer or election officer of laws relative to providing ballot boxes, blank forms and other apparatus or to the care and preservation thereof, or to the manner of canvassing and counting votes, shall not invalidate any record or copy of a record or certificate made by a city, precinct or town clerk, or in Boston the election commissioners, or affect the title of a person declared to be elected to office.

Violation of certain provisions not to affect, etc. 1907, 560, § 296.

SECTION 329. The city or town clerk, in Boston the election commissioners, shall, within fifteen days after an election of state, city or town officers, certify to the secretary of the commonwealth the total number of names of male and of female voters checked on the voting list at such election in each voting precinct or town.

Number of names checked to be certified to secretary of the commonwealth. 1907, 560, § 297.

SECTION 330. The secretary of the commonwealth shall, before the first day of February, report to the general court the number of assessed polls, the number of registered male and female voters at the date of the preceding annual state election and city or town election, and the total number of persons, male and female, who voted at each such election in every city and town, and in every voting precinct therein, and the number of votes received by each candidate for nomination and for election for a state office, and for election for a state committee, arranged by cities, towns and districts, and a concise statement of other matters relating to elections, with such suggestions as he may deem advisable.

Report of number of assessed polls, registered voters, etc. 1907, 560, § 298. 1913, 686.

Recounts of Votes.

SECTION 331. If a person who has received votes for any office at an election shall, within thirty days thereafter, himself or by his agent serve upon a city or town clerk, in Boston the election commissioners, a written claim to such office or a declaration of an intention to contest the election of any other person, the clerk or commissioners shall retain the envelopes containing the ballots for such office until such claim is withdrawn or the contest is determined. The envelopes and ballots shall be subject to the order of the body to which such person claims to be elected,

Contested election, ballots to be retained. 1907, 560, § 299.

or of the officers required by law finally to examine the records and to issue certificates of election to such office, or of any court having jurisdiction thereof. Such body or officers may require the clerk or commissioners to produce such envelopes and ballots, and may recount the ballots and amend any record or copy thereof in relation to such office.

Recount of ballots.

Errors in records of election officers, statement, etc. 1907, 560, § 300. 1909, 440, § 2.

SECTION 332. If, on or before five o'clock on the third day next succeeding the day of an election in a ward of a city or in a town, ten or more voters of such ward or town, except Boston, and in Boston fifty or more voters of a ward, shall sign in person, adding thereto their respective residences on the first day of April of that year, and cause to be filed with the city or town clerk, or in Boston with the election commissioners, a statement sworn to by one of the subscribers that they have reason to believe and do believe that the records, or copies of records, made by the election officers of certain precincts in such ward or town, or in case of a town not voting by precincts, by the election officers of such town, are erroneous, specifying wherein they deem them to be in error and that they believe a recount of the ballots cast in such precincts or town will affect the election of one or more candidates voted for at such election, specifying the candidates, or will affect the decision of a question voted upon at such election, specifying the question, the city or town clerk shall forthwith transmit such statement and the envelopes containing the ballots, sealed, to the registrars of voters, who shall, without unnecessary delay, but not before the last hour for filing requests for recounts, open the envelopes, recount the ballots and determine the questions raised; but upon a recount of votes for town officers in a town in which the selectmen are members of the board of registrars of voters, the recount shall be made by the moderator, who shall have all the powers and perform all the duties conferred or imposed by this section upon registrars of voters.

Statement, etc., to be transmitted to registrars of voters.

Determination of questions raised.

Recount of votes in certain towns to be made by moderator.

Candidates and persons representing petitioners to be notified.

The registrar of voters, or in Boston the election commissioners, shall, before proceeding to recount the ballots, give notice in writing to the several candidates interested in such recount and liable to be affected thereby, or to such person as shall be designated by the petitioners for a recount of ballots cast upon questions submitted to the voters, of the time and place of making the recount, and each such candidate or person representing petitioners shall be allowed to be present and witness such recount, either in person,

Persons who may be present and witness recount.

accompanied with counsel if he so desires, or by an agent appointed by him in writing. In the case of a recount of the ballots cast upon a question submitted to the voters, one representative from any committee organized to favor or to oppose the question so submitted shall be permitted to be present and witness the recount. In the city of Boston, the chairman of the city committee representing the largest political party and the chairman of the city committee representing the second largest political party may in writing designate two persons, or such further number as the election commissioners may allow, to be present and witness the count, and said election commissioners shall allow each candidate whose election is in question, or his representative, to be present and may allow representatives of other political parties and other persons to be present and witness the recount.

In Boston.

All recounts shall be upon the questions designated in the statements filed, and no other count shall be made, or allowed to be made, or other information taken, or allowed to be taken, from the ballots on such recount.

Recounts to be upon questions designated in statements, etc.

The registrars of voters or election commissioners, shall, when the recount is complete, enclose all the ballots in their proper envelopes, seal each envelope with a seal provided for the purpose, and certify upon each envelope that the same has been opened and again sealed in conformity to law; and shall likewise make and sign a statement of their determination of the questions raised. The envelopes, with such statement, shall, except in Boston, be returned to the city or town clerk, and the clerk or commissioners shall alter and amend such records as have been found to be erroneous in accordance with such determination; and the records so amended shall stand as the true records of the election. Such amended records of votes cast at a state election shall be made and transmitted as required by law in the case of copies of original records. If, in case of a recount of votes for town officers, it shall appear that a person was elected other than the person declared to have been elected, the registrars of voters shall forthwith make and sign a certificate of such fact, stating therein the number of votes cast, as determined by the recount, for each candidate for the office the election to which is disputed, and shall file the same with the town clerk. The town clerk shall record the certificate and shall, within twenty-four hours after such filing, cause a copy of such certificate, attested by him, to be

Envelopes to be sealed and indorsed, etc.

Except in Boston to be returned to city or town clerk, etc.

Amended records, certificates of election, etc.

delivered to or left at the residence of the person so declared to have been elected, and to the person who by such certificate appears to be elected.

Clerical assistance.

Registrars of voters may employ such clerical assistance as they may deem necesssary to enable them to carry out the provisions of this section.

No information to be given regarding challenged voter. 1907, 560, § 301.

SECTION 333. No officer recounting ballots shall, except as required by law, make any statement or give any information relative to a ballot cast by a challenged voter.

Result of elections in cities not to be declared until certain time, etc. 1907, 560, § 302.

SECTION 334. The board of aldermen, or in Boston the election commissioners, shall not declare the result of an election for state or city officers or of a vote upon any question submitted to the voters until the time for filing a petition for a recount of ballots has expired, or, if such petition has been filed, until the ballots have been recounted and the returns amended, notwithstanding any special act relating to such city. After the ballots have been recounted and the records amended, said board or commissioners shall forthwith declare the result of the election, and the city clerk or election commissioners shall thereupon issue certificates of their election to the persons elected. No person elected to a city office shall act in an official capacity by virtue of such election before such certificate has been issued.

Not to act before certificate of election has been issued.

PART IV.

Proceedings in Cases of Failure to Elect, and Vacancies in State Offices.

Presidential electors, failure to elect a majority. 1907, 560, § 303.

SECTION 335. If, upon examination of the copies of the records of votes for presidential electors, it appears that a majority of the whole number of electors has not been chosen, the governor shall forthwith, by proclamation, call together the general court; and the senators and representatives assembled in joint convention shall by ballot choose electors to complete the full number.

Vacancy or absence at time of meeting.

If the whole number of electors has not been chosen when the electors meet on the second Monday in January, or if an elector has died or is then absent, the electors present shall forthwith choose electors from the citizens of the commonwealth to complete the full number.

Senator in congress, failure to elect or vacancy. 1913.

SECTION 336. Upon a failure to choose a senator in congress or upon a vacancy in said office the governor shall cause precepts to be issued to the aldermen in every city and the selectmen in every town directing them to call meetings of

the voters on the day appointed therein for the election of such senator.

Representative in congress, failure to elect or vacancy. 1907, 560, § 304.

SECTION 337. Upon a failure to choose a representative in congress or upon a vacancy in said office, the governor shall cause precepts to be issued to the aldermen in every city and the selectmen in every town in the district, directing them to call meetings of the voters on the day appointed therein for the election of such representative.

Representative in general court, failure to elect. 1907, 560, § 305.

SECTION 338. Upon a failure to choose a representative in the general court at the annual state election, a certificate thereof shall be transmitted forthwith to the secretary of the commonwealth by the officers required to transmit certificates of election, and another election to fill the vacancy for such representative shall be held on the fourth Monday of the same month of November.

Vacancy.

Upon a vacancy in the office of representative in the general court or upon the failure to elect on the fourth Monday of November, the speaker of the house of representatives shall issue precepts to the board of aldermen of each city and the selectmen of each town comprising the district or any part thereof, appointing such time as the house of representatives may order for an election to fill such vacancy. Upon the receipt of such precepts, the aldermen or the selectmen shall call meetings of the qualified voters in the district, which shall be held in accordance with the precepts.

District attorney and county officers, failure to elect. 1907, 560, § 306.

SECTION 339. Upon a failure to choose a district attorney, clerk of the courts, register of probate and insolvency or sheriff, the governor shall cause precepts to be issued to the proper officers, directing them to call meetings of the voters on the day appointed therein, for the election of such officer.

Vacancy.

Upon a vacancy by removal or otherwise in any of the above named offices, he shall in like manner cause precepts to be issued for an election to fill such vacancy at the next annual state election for which precepts can be seasonably issued.

Vacancy, appointment.

Upon a vacancy in the office of district attorney, register of probate and insolvency or sheriff, the governor with the advice and consent of the council may appoint some person thereto until a district attorney, register of probate and insolvency or sheriff is elected and qualified. Upon a vacancy in the office of clerk of the courts in any county, or of the clerk of the supreme judicial court in the county of Suffolk, the justices of said court may appoint a clerk who shall hold the office until a clerk is elected and qualified.

Clerk of superior court, Suffolk county, vacancy.

Upon a vacancy in the office of a clerk of the superior court in the county of Suffolk, the justices of said court may appoint a clerk, who shall hold the office until a clerk is elected and qualified.

County treasurer, register of deeds, failure to elect. 1907, 560, § 307. 1908, 391. 1909, 213.

SECTION 340. Upon a failure to choose a county treasurer or a register of deeds for a county or district, except the counties of Suffolk and Nantucket, the county commissioners shall forthwith issue precepts to the board of aldermen of each city and the selectmen of each town in such county or district, directing them to call meetings of the voters for the election of such officer on a day appointed therein.

Vacancy.

Upon a vacancy by removal or otherwise in the office of county treasurer or of register of deeds in a county or district, except the counties of Suffolk and Nantucket, the county commissioners shall in like manner issue precepts for an election to fill such vacancy at the next annual state election for which precepts can be seasonably issued, and may appoint some person to fill such office until a person is elected thereto and qualified. In case of the inability of the treasurer of any county to act as such treasurer by reason of illness or absence from the county, or by reason of any other cause, the county commissioners for said county may appoint some person to fill such office until said treasurer is able to resume his duties. The person appointed to act as temporary treasurer shall give a bond to secure the faithful performance of his duties, in such sum and with such sureties as said county commissioners shall approve.

In case of inability of county treasurer to act, etc., county commissioners may appoint, etc.

Person appointed to give bond.

Register of deeds, Suffolk county, failure to elect, vacancy.

Upon a failure to choose a register of deeds in the county of Suffolk, or upon a vacancy in that office, the board of aldermen of the city of Boston shall call meetings to elect a register of deeds or to fill such vacancy, as is above provided for an election in other counties; and, upon a vacancy in that office in said county of Suffolk, the superior court shall appoint some person to the office until a person is elected thereto and qualified.

Register of deeds, Nantucket county, failure to elect, vacancy.

Upon a failure to choose a register of deeds in the county of Nantucket, or upon a vacancy in that office, the selectmen of the town of Nantucket shall call a meeting to elect a register of deeds as is above provided for an election in other counties, and may appoint some person to the office until a person is elected thereto and qualified.

Whenever a register of deeds, etc., is unable to act,

Whenever in any county a register of deeds who has no assistant is unable, or if he has an assistant or assistants he and such assistant or assistants are unable, by reason of sick-

ness or otherwise to perform the duties of their respective offices, the county commissioners for the county electing such register or, in the county of Suffolk, the superior court, may appoint a register of deeds pro tempore who shall perform the duties of register until the said elected register or his assistants or any of them is able to resume the duties of his office, or until the election and qualification of a new register. A register of deeds pro tempore shall be sworn and shall give a bond according to the requirements of law for registers of deeds, and notice of his appointment shall be recorded in the registry of deeds in which he is to act. A register of deeds pro tempore shall have the same duties and powers as are provided for by law in the case of registers of deeds, and shall receive such compensation for his services as said county commissioners and the superior court, respectively, may deem reasonable.

county commissioners may appoint a register pro tempore.

To be sworn and give bond.

Powers and duties.

SECTION 341. Upon a failure to choose a county commissioner or associate commissioner, the board of examiners shall forthwith issue precepts to the board of aldermen of each city and to the selectmen of each town in such county, directing them to call meetings of the voters to elect such officer on a day appointed therein. In the county of Middlesex, such precept shall also be issued to the selectmen of the towns of Revere and Winthrop.

County or associate commissioner, failure to elect. 1907, 560, § 308.

Upon a vacancy by removal or otherwise in the office of county commissioner or associate commissioner, the board of examiners shall in like manner issue precepts for an election to fill such vacancy at the next annual state election for which precepts can be seasonably issued, except that no such election shall be held unless the term of office of the commissioner whose office is so vacant extends beyond the first Wednesday of January next succeeding the day of such election.

Vacancy, election.

Upon a vacancy in said offices, the county commissioners or the two remaining county commissioners, as the case may be, and the clerk of the courts for the county, or a majority of them, may appoint some person to fill such office until a person is elected thereto and qualified.

Vacancy, appointment.

SECTION 342. If there is a vacancy in the office of district attorney, clerk of the courts, register of probate and insolvency, sheriff, county treasurer, register of deeds, county commissioner or associate commissioner, the term of which expires on the first Wednesday of January following the next annual state election for which precepts can be seasonably

District attorney or county officers, vacancy. 1907, 560, § 309.

issued, no precepts shall be issued or election held to fill such vacancy.

Secretary of the commonwealth to be notified. 1907, 560, § 310.

SECTION 343. The county commissioners in each county shall forthwith notify the secretary of the commonwealth of any vacancy in the office of county treasurer or of register of deeds; and the board of examiners shall give like notice to the secretary of any vacancy in the office of county commissioner or associate commissioner, and in each case they shall send to him a copy of the precepts issued by them for an election.

Copy of precept to secretary.

Elections to fill vacancies, proceedings. 1907, 560, 311.

SECTION 344. At elections held because of a failure to elect or to fill vacancies, the proceedings shall be the same, so far as applicable, as in elections to the same office at the annual state election.

Proceedings of Presidential Electors.

Presidential electors, meeting, organization. 1907, 560, § 312.

SECTION 345. The persons chosen as presidential electors shall meet at the state house on the Saturday preceding the second Monday in January succeeding their election at three o'clock in the afternoon and organize by the choice of a presiding officer and secretary. The secretary of the commonwealth shall call the meeting to order, call the roll of electors, and preside until a presiding officer shall be chosen.

Proceedings.

If, on the second Monday in January, the whole number of electors has not been chosen, or if any electors have died or are then absent, the electors present shall forthwith choose electors from the citizens of this commonwealth to complete the full number. They shall thereupon vote by ballot for president and vice president of the United States, one of whom at least shall not be an inhabitant of this commonwealth. They shall name in their ballots the person voted for as president, and in distinct ballots, the person voted for as vice president. They shall make distinct lists of all persons voted for as president and of all persons voted for as vice president and of the number of votes for each, and shall sign, certify and transmit such lists, sealed, to the seat of government of the United States, directed to the president of the senate; and they shall in all respects proceed conformably to the constitution and laws of the United States. The secretary of the electoral college shall keep a journal of its proceedings and deposit the same in the office of the secretary of the commonwealth, where it shall be recorded and filed.

Journal to be kept.

SECTION 346. Each elector shall receive from the commonwealth three dollars for each day of attendance, and one dollar for every five miles of travel from his residence to the place of meeting.

Compensation. 1907, 560, § 313.

Corrupt Practices.

SECTION 347. No person shall, in order to aid or promote his own nomination or election to a public office, directly or indirectly, himself or through another person, promise to appoint, or promise to secure or assist in securing the appointment, nomination or election of another person to a public position or employment or to a position of honor, trust or emolument, except that he may announce or define what is his choice or purpose in relation to an election in which he may be called to take part, if elected.

Candidate not to promise appointment, etc., to aid his nomination or election. 1907, 560, § 315.

SECTION 348. No person shall, in order to aid or promote his own nomination or election to a public office, directly or indirectly, himself or through another person, give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing, except for personal expenses or to a political committee as hereinafter provided. The words "personal expenses", as used in this act, shall include only expenses directly incurred and paid by a person for travelling and for purposes properly incidental to travelling; for writing, printing and preparing for transmission and distributing any letter, circular, or other publication, wherein is stated his position or views upon public or other questions; for stationery and postage; for telegraph, telephone and messenger service, expressage, and for preparing, circulating and filing nomination papers, and for the hire of not more than one conveyance to be used at each polling place at primaries only.

Payments, etc., by candidates regulated. 1907, 560, § 316. 1911, 679, § 1.

Term "personal expenses" defined.

No person not a candidate for nomination or election, and no political committee, as defined in section one shall, in order to aid, promote or defeat the nomination or election of any person to public office, pay, expend or contribute, or promise to pay, expend or contribute, any money or valuable thing except in good faith for the following purposes: advertising, rent and maintenance of political headquarters, meetings, refreshments other than intoxicating liquors, decorations and music, postage, stationery, printing, expressage, travelling expenses of candidates, committees, speakers and clerks, telephone, telegraph, messenger service and clerk hire, and for preparing, circulating and filing

Purposes for which certain persons and political committees may make expenditures, etc.

nomination papers; but a political committee may expend money for the hire of not more than one conveyance to be used at each polling place at elections only.

Voluntary payment to political committee. 1907, 560, § 317. 1911, 679, § 2.

SECTION 349. A person who is a candidate for nomination or who is nominated as a candidate or voted for with his assent for public office, may make a voluntary payment of money or a voluntary and unconditional promise of payment of money to a political committee for the promotion of the principles of the party which it represents, or for its general purposes. No candidate for nomination or election or both, shall in any one election, including the primary therefor, make or incur, directly or indirectly, any payments, expenditures, promises or liabilities under this section which exceed in the whole twenty-five dollars for each one thousand or major portion thereof of the registered voters qualified to vote for the office in question at the next preceding election, but no candidate shall expend more than five thousand dollars, and any candidate may expend at least one hundred and fifty dollars for the said purposes.

Payments, etc., by candidates limited.

Payments, etc., to be in name of person paying, etc. 1907, 560, § 318.

SECTION 350. No person shall, directly or indirectly, himself or through another person, make a payment or promise of payment to a political committee or to any person acting under its authority or in its behalf, in any name except his own; nor shall such committee or person knowingly receive a payment or promise of payment, or enter or cause the same to be entered in the accounts or records of such committee, in any other name than that of the person by whom it is made.

Soliciting, etc., from candidate prohibited, etc. 1907, 560, § 319. 1911, 679, § 3.

SECTION 351. No person or persons, no political committee and no person acting under the authority of a political committee or in its behalf, shall demand, solicit, ask or invite from a person who is a candidate for nomination or election to public office, or who is occupying an elective public office, any payment or gift of money or other valuable thing, or promise of payment or gift of money or other valuable thing for advertising, gratuities, donations, tickets, programmes, or any other purpose whatsoever; and no such candidate for nomination or election, and no one who is occupying an elective public office, shall make any such payment or gift, or promise to make any such payment or gift, to any person or persons, political committee, or any person acting under the authority of a political committee, if such person or political committee has demanded, solicited, asked, or invited from him any such payment, gift, or promise of payment or gift; but this provision shall not apply to

Candidates, etc., not to make payment, etc., when solicited.

the soliciting or making in good faith of gifts for charitable or religious purposes.

Demanding, etc., payment of money, etc., as a prerequisite to obtaining nomination papers prohibited. 1908, 85.

SECTION 352. No political committee, and no person acting under its authority or in its behalf, shall demand or solicit from any person who is a candidate for nomination to elective office, or from anyone acting in his behalf, a payment of money or a promise of payment of money, as a prerequisite to his obtaining from such committee or its agent the nomination papers required by the provisions of sections one hundred and sixty-three to one hundred and seventy, inclusive.

Payments, etc., by certain corporations to promote or prevent the nomination or election of a person, etc., prohibited. 1908, 483, § 1. 1912, 229, § 1.

SECTION 353. No business corporation incorporated under the laws of, or doing business in this commonwealth, and no officer or agent acting in behalf of such corporation, shall directly or indirectly give, pay, expend or contribute, or promise to give, pay, expend or contribute any money or other valuable thing in order to aid, promote or prevent the nomination or election of any person to public office, or in order to aid, promote or antagonize the interests of any political party. No person or persons, no political committee and no person acting under the authority of a political committee, or in its behalf, shall solicit or receive from such corporation any such gift, payment, expenditure or contribution, or any promise to give, pay, expend or contribute.

No person or political committee, etc., to solicit or receive such payment, etc.

Publication of unsigned political advertisements, prohibited. 1907, 531, § 1. 1910, 55, § 1.

SECTION 354. No person shall publish or cause to be published in a newspaper or other periodical, either in its advertising or reading columns, any paid matter which is designed or tends to aid, injure, or defeat any candidate for public office or a constitutional amendment or any other question submitted to the voters, unless the name of the chairman or secretary or the names of two officers of the political or other organization inserting the same, or the name of some voter who is responsible therefor, with his residence and the street and number thereof, if any, appear therein in the nature of a signature. Such matter inserted in reading columns shall be preceded or followed by the word "Advertisement" in a separate line, in type not smaller than that of the body type of the newspaper or other periodical.

To be preceded or followed by the word "Advertisement."

Payment to publisher, etc., of newspaper, etc., for advocating or opposing election of

SECTION 355. No person shall pay the owner, editor, publisher, or agent of a newspaper or other periodical to induce him editorially to advocate or oppose any candidate for public office or political principle, or a constitutional amendment or any other question submitted to the voters;

candidates prohibited. 1907, 581, § 2. 1910, 55, § 2.

and no such owner, editor, publisher, or agent shall accept such payment. This provision shall not apply to the outright purchase of such newspaper or periodical.

Certain corporations, etc., not to make political contributions. 1907, 581, § 3. 1911, 422.

SECTION 356. No corporation carrying on the business of a bank, trust, surety, indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, or water company, or any company having the right to take or condemn land or to exercise franchises in public ways, granted by the commonwealth or by any county, city or town, and no trustee or trustees owning or holding the majority of the stock of such a corporation, shall pay or contribute in order to aid, promote, or prevent the nomination or election of any person to public office, or in order to aid, promote or antagonize the interests of any political party, or to influence or affect the vote on any question submitted to the voters. No person shall solicit or receive such payment or contribution from such

Proviso.

corporation or such holders of stock: *provided, however*, that this section shall not be construed to prevent the bona fide publication or circulation by such a corporation, or such trustee or trustees, of paid matter when under a referendum or question submitted to the voters, the taking, purchasing or acquiring of any of the property, business or assets of the corporation is involved, provided that the name of the corporation appears therein in the nature of a signature, and that, if inserted as reading matter, such matter is preceded or followed by the word "Advertisement", in the manner required by section three hundred and fifty-four.

To be preceded or followed by the word "Advertisement."

No payments to be made for naturalization fees, etc. 1907, 560, § 320.

SECTION 357. No political committee and no person who is required to file a statement shall make any payment or promise of payment of money to or in behalf of any person for naturalization fees or for services as counsel or otherwise in assisting any one to obtain naturalization.

Every political committee to have a treasurer, etc. 1907, 560, § 321. 1908, 518, § 1.

SECTION 358. Every political committee shall have a treasurer, who is a voter of the commonwealth, and shall cause him to keep detailed accounts of all money or its equivalent, received by or promised to the committee, or by or to any person acting under its authority or in its behalf, and of all expenditures, disbursements and promises of payment or disbursement made by the committee or by any person acting under its authority or in its behalf. No person acting under its authority or behalf shall receive any money or its equivalent, or expend or disburse the same, until the committee has chosen a treasurer.

Receipts or disbursements prohibited until treasurer is chosen.

The number of persons that may be employed by political committees in cities for any purpose, except as caucus officers, shall not exceed six persons in each voting precinct of the city. In cities, or parts thereof, not divided into precincts, the number shall not exceed six for each ward.

Number of persons that may be employed by political committees in cities.

SECTION 359. Whoever, acting under the authority or in behalf of a political committee, receives any money or its equivalent, or promise of the same, or expends or incurs any liability to pay the same, shall, on demand, and in any event within fourteen days after such receipt, expenditure, promise or liability, give to the treasurer a detailed account of the same, with all vouchers required by this act, which shall be a part of the accounts and files of such treasurer.

Persons acting for committees to give detailed account to treasurer, etc. 1907, 560, § 322.

SECTION 360. The treasurer of every political committee which receives, expends or disburses any money or its equivalent, or incurs any liability to pay money in connection with any nomination or election to an amount exceeding twenty dollars, shall, within thirty days after such election, file a statement setting forth all the receipts, expenditures, disbursements and liabilities of the committee and of every officer and other person acting under its authority or in its behalf. It shall include the amount in each case received, the name of the person or committee from whom received, the date of its receipt, the amount of every expenditure or disbursement, the name of the person or committee to whom it was made, and the date thereof; and, unless such expenditure or disbursement was made to another political committee, shall clearly state the purpose of such expenditure or disbursement; also the date and amount of every existing promise or liability, both to and from such committee, remaining unfulfilled and in force when the statement is made, the name of the person or committee to or from whom the unfulfilled promise or liability exists, and a clear statement of the purpose for which the promise or liability was made or incurred. If the aggregate receipts or disbursements of a political committee in connection with any election shall not exceed twenty dollars, the treasurer of the committee shall, within thirty days after the election, certify the fact under oath to the secretary of the commonwealth.

Treasurer to file statement, contents. 1907, 560, § 323.

SECTION 361. Whoever, acting otherwise than under the authority or in behalf of a political committee having a treasurer, receives money or its equivalent, or expends or

Other persons subject to requirements. 1907, 560, § 324.

disburses, or promises to expend or disburse money or its equivalent, to an amount exceeding twenty dollars, to aid or promote the success or defeat of a political party or principle in any election, or to aid or influence the nomination, election or defeat of a candidate for office, shall file in the city or town in which he is a voter, the statement required by the preceding section, and shall be subject to all the duties required by this act of a political committee or the treasurer thereof; but no person except a voter of the commonwealth shall receive, expend or disburse any money or its equivalent or promise to expend or disburse any money or its equivalent, for either of the purposes above named, except for personal expenses as is herein provided, or under the authority or in behalf of a political committee.

Candidates to file statements. 1907, 560, § 325. 1911, 679, § 4.

SECTION 362. Every candidate for nomination to a public office shall, within seven days after the last day for filing nominations for that office, and every candidate for election to a public office shall within seven days after the election held to fill the office, file a statement in writing setting forth each sum of money and thing of value expended, contributed, or promised by him, for the purpose of securing or in any way affecting his nomination or election to the office, and the name of the person or political committee to whom the payment, contribution or promise was made and the date thereof.

Filing of statements, oath. 1907, 560, § 326.

SECTION 363. The statement required to be filed by a candidate, treasurer or other person shall be filed with the clerk of the city or town in which such candidate, treasurer or other person is a voter. In case the nomination to which such statement relates is a nomination to a state or national office, or the election is a state or national election, a duplicate shall be filed with the secretary of the commonwealth. Whoever makes a statement required by the provisions of this act shall make oath that it is in all respects correct and true to the best of his knowledge and belief.

Statements to be inspected, etc. 1907, 560, § 327.

SECTION 364. The secretary of the commonwealth shall inspect all statements filed with him, and the clerks of cities shall inspect all statements relating to nominations and to city elections filed with them, within sixty days after the election to which they relate, and if upon examination of the official ballot it appears that any person has failed to file a statement as required by law, or if it appears

Delinquent persons to be notified.

to the secretary that any such statement filed with him does not conform to law, or if it appears to a city clerk that such statement relating to a city nomination or election does not conform to law, or upon complaint in writing by five registered voters that a statement does not conform to law, or that any person has failed to file a statement required by law, the secretary or city clerk shall in writing notify the delinquent person. Such complaint shall state in detail the grounds of objection, shall be sworn to by one of the subscribers, and shall be filed with the secretary or with the proper city clerk within ninety days after the election in question, or within sixty days after the filing of a statement or amended statement.

Complaint, form, filing.

SECTION 365. Upon the failure to file a statement within ten days after receiving notice under the preceding section, or if any statement filed as above discloses any violation of any provision of this act relating to corrupt practices in elections, the secretary of the commonwealth or the city clerk, as the case may be, shall notify the attorney-general thereof and shall furnish him with copies of all papers relating thereto, and the attorney-general, within two months thereafter, shall examine every such case, and if he is satisfied that there is cause, he shall in the name of the commonwealth institute appropriate civil proceedings or refer the case to the proper district attorney for such action as may be appropriate in the criminal courts.

Attorney-general to be notified. 1907, 560, § 328.

SECTION 366. The supreme judicial court or the superior court may compel any person who fails to file a statement as above required, or who files a statement which does not conform to the foregoing requirements in respect to its truth, sufficiently in detail, or otherwise, to file a sufficient statement, upon the application of the attorney-general or district attorney or petition of any candidate voted for, or of any five persons qualified to vote at the election on account of which the expenditures, or any part thereof, were made or are alleged to have been made. Such petition shall be filed within sixty days after such election, if the statement was filed within the thirty days required, but a petition may be filed within thirty days of any payment not included in the statement so filed. Proceedings under this section shall be advanced upon the request of either party for speedy trial. No petition brought under this act shall be discontinued without the consent of the attorney-general.

Courts may compel the filing of statements, etc. 1907, 560, § 329.

Proceedings to be advanced upon request.

Witness not liable, except, etc. 1907, 560, § 330.

Section 367. No person who is called to testify in any proceedings under the preceding section shall be liable to criminal prosecution under this act or otherwise for any matters or causes in respect of which he shall be examined or to which his testimony shall relate, except to prosecution for perjury committed in such testimony.

Statements to be preserved, etc. 1907, 560, § 331.

Section 368. All statements shall be preserved for fifteen months after the election to which they relate, and shall, under reasonable regulations, be open to public inspection.

Vouchers, accounts, etc., preservation. 1907, 560, § 332.

Section 369. Every payment required to be accounted for shall, unless the total expense payable to any one person is less than five dollars, be vouched for by a receipted bill stating the particulars of expense, and every voucher, receipt or account hereby required shall be preserved for six months after the election to which it relates.

Blank forms to be furnished. 1907, 560, § 333.

Section 370. The secretary of the commonwealth shall at the expense of the commonwealth furnish to the city and town clerks, and in Boston to the election commissioners, blanks in form approved by the secretary and by the attorney-general, suitable for the statements required by law. On the receipt of a list of candidates for public office before a caucus or primary, or upon the filing of a nomination before a municipal election, the election commissioners in Boston, and the clerk of any other city or the town clerk shall transmit to the candidate or candidates put in nomination, and to the treasurers of political committees, the blanks above described. Upon the filing of a nomination before a state or national election the secretary of the commonwealth shall transmit to the candidate or candidates put in nomination, and to the treasurers of the political committees, the blanks above described. To any person required to file a statement such blanks shall be furnished upon application therefor.

Nominations and elections to which provisions shall apply. 1907, 560, § 334.

Section 371. The provisions of this act relative to corrupt practices shall apply to all public elections, except of town officers, and to elections by the general court and by city councils, and by either branch thereof, to the nomination by primaries, caucuses and conventions and nomination papers of candidates to be voted for at such elections. The term "political committee" as defined in section one, and sections three hundred and forty-eight and three hundred and fifty shall not apply to the proprietors and publishers of publications issued at regular intervals, in respect to the ordinary conduct of their business.

Inquests in Election Cases.

Inquests upon violations of election laws. 1907, 560, § 335.

SECTION 372. Upon a complaint subscribed and sworn to by any person before a police, district or municipal court or a trial justice, alleging that reasonable grounds exist for believing that any law relating to the assessment, qualification or registration of voters, or to voting lists or ballots, or to primaries, caucuses, conventions and elections, or to any matters pertaining thereto, has been violated, such court or justice may at once hold an inquest to inquire into such alleged violation of the law.

Inquests may may be private, etc. 1907, 560, § 336.

SECTION 373. The court or trial justice may exclude all persons whose presence is not necessary at such inquest; and may also direct the witnesses to be kept so separated that they cannot converse with each other until they have been examined. The attorney-general, the district attorney, or some person designated by either, shall attend the inquest and examine the witnesses.

Examination of witnesses.

Witnesses, attendance, fees, etc. 1907, 560, § 337.

SECTION 374. Such court, justice or attorney may issue subpœnas for witnesses, who shall be allowed the same fees, whose attendance may be enforced in the same manner, and who shall be subject to the same penalties, as if served with a subpœna in behalf of the commonwealth in a criminal prosecution before such court or trial justice.

Stenographer may be employed, etc. 1907, 560, § 338.

SECTION 375. Such court or trial justice may employ a stenographer and may have the proceedings reduced to writing; and if he finds that the law has been violated, shall report to the superior court all the material facts and the names of any persons guilty of any such violation.

Witnesses may be bound over to appear, etc. 1907, 560, § 339.

SECTION 376. The court or trial justice may bind over, as in criminal prosecutions, such witnesses as are necessary, or as said attorney may designate, to appear and testify in the superior court.

Certain persons may be apprehended. 1907, 560, § 340.

SECTION 377. If a person charged by the report with the commission of an offence is not in custody, the court or trial justice shall forthwith issue a process for his apprehension; but such process may issue before the filing of said report, if otherwise lawful.

Witnesses not liable, etc. 1907, 560, § 341.

SECTION 378. No person shall be excused from testifying or producing any papers in any inquest proceedings under this act on the ground that his testimony may tend to criminate him or subject him to a penalty or forfeiture, but he shall not be prosecuted or be subjected to a penalty

or forfeiture for or on account of any action, matter or thing concerning which he may so testify, except for perjury committed in such testimony.

Officers to be elected at State Elections.

State officers to be elected annually. 1907, 560, § 342. 1908, 597.

SECTION 379. At the annual state election there shall be chosen by the voters of the commonwealth, as prescribed by the constitution, a governor, lieutenant governor, secretary of the commonwealth, treasurer and receiver general, auditor of the commonwealth and attorney-general; by the voters in each councillor district, one councillor; by the voters in each senatorial district, one senator; and by the voters in each representative district, such number of representatives as the district is entitled to elect.

Presidential electors. 1907, 560, § 343.

SECTION 380. At the annual state election in each year in which presidential electors are required to be elected, a number of electors, equal to the whole number of senators and representatives in congress to which the commonwealth is entitled, shall be chosen by the voters of the commonwealth.

Senators in Congress. 1913.

SECTION 381. At the annual state election in the year nineteen hundred and sixteen, and in every sixth year thereafter, and in the year nineteen hundred and eighteen and in every sixth year thereafter, a senator in congress shall be chosen by the voters of the commonwealth.

Representatives in Congress. 1907, 560, § 344.

SECTION 382. At the annual state election in every even numbered year a representative in congress shall be chosen by the voters in each congressional district.

District attorneys. 1907, 560, § 345.

SECTION 383. At the annual state election in the year nineteen hundred and thirteen, and in every third year thereafter, a district attorney shall be chosen by the voters in each of the districts into which the commonwealth is divided for the administration of the criminal law.

Clerks of courts. 1907, 560, § 346.

SECTION 384. At the annual state election in the year nineteen hundred and sixteen, and in every fifth year thereafter, a clerk of the supreme judicial court for the county of Suffolk, and two clerks of the superior court, one for civil and one for criminal business, shall be chosen by the voters in said county; and, by the voters in each of the other counties, a clerk of the courts who shall act as clerk of the supreme judicial court, of the superior court and of the county commissioners.

Registers of probate and insolvency. 1907, 560, § 347.

SECTION 385. At the annual state election in the year nineteen hundred and thirteen, and in every fifth year thereafter, a register of probate and insolvency shall be chosen by the voters of each county.

Registers of deeds. 1907, 560, § 348.

SECTION 386. At the annual state election in the year nineteen hundred and sixteen, and in every fifth year thereafter, a register of deeds shall be chosen by the voters of each district for the registry of deeds, and of each county not divided into districts.

County commissioners. 1907, 560, § 349.

SECTION 387. At the annual state election there shall be chosen by the voters of the county of Middlesex and of the towns of Revere and Winthrop, one county commissioner for said county and towns, and by the voters of each of the other counties, except the counties of Suffolk and Nantucket, one county commissioner for the county.

Associate commissioners.

At the annual state election in the year nineteen hundred and thirteen, and in every third year thereafter, there shall likewise be chosen by the voters of the county of Middlesex and of the towns of Revere and Winthrop, two associate commissioners for said county and towns, and by the voters of each of the other counties, except the counties of Suffolk and Nantucket, two associate commissioners for the county.

Not more than one commissioner from same city or town.

Not more than one of the county commissioners and associate commissioners shall be chosen from the same city or town. If two persons residing in the same city or town shall appear to have been chosen to said offices, the person only who receives the larger number of votes shall be declared elected; but if they shall receive an equal number of votes, no person shall be declared elected. If a person residing in a city or town in which a county commissioner or an associate commissioner who is to remain in office also resides, shall appear to have been chosen, he shall not be declared elected. If the person is not declared elected by reason of the above provisions, the person receiving the next highest number of votes for the office, and who resides in another city or town, shall be declared elected.

Sheriffs. 1907, 560, § 350. 1910, 246.

SECTION 388. At the annual state election in the year nineteen hundred and fifteen, and in every fifth year thereafter, a sheriff shall be chosen by the voters in each county.

County treasurers. 1907, 560, § 351.

SECTION 389. At the annual state election in the year nineteen hundred and fifteen, and in every third year thereafter, a county treasurer shall be chosen by the voters in each county, except the counties of Suffolk and Nantucket.

Commissioners to apportion Suffolk county into representative districts. 1907, 560, § 352.

SECTION 390. At the annual state election in the year nineteen hundred and fifteen, and in every tenth year thereafter, nine commissioners shall be elected for the county of Suffolk, for the performance of the duties hereinafter specified. Five of said commissioners shall be residents of and voters in the city of Boston and shall be elected by the voters of that city; two shall be residents of and voters in the city of Chelsea and shall be elected by the voters of that city; one shall be a resident of and a voter in the town of Winthrop and shall be elected by the voters of that town; and one shall be a resident of and a voter in the town of Revere and shall be elected by the voters of that town. Said commissioners shall hold office for one year from the first Wednesday of January next after their election. At their first meeting, they shall organize by choosing a chairman, who shall be one of their number, and a clerk. The city of Boston shall provide them with a suitable office and room for hearings and shall allow and pay to them for compensation a sum not exceeding five hundred dollars each, said sum to be determined by the governor and council, and a further sum of not more than seven hundred dollars for clerk hire, stationery and incidental expenses.

Term of office, organization.

City of Boston to provide office, etc.

Compensation, clerk hire, etc.

Duties.

The said commissioners shall, on the first Tuesday of August next after the secretary of the commonwealth shall have certified to them the number of representatives to which the county of Suffolk may be entitled, as determined by the general court, assemble in the city of Boston, and, as soon as may be, shall so divide said county into representative districts of contiguous territory as to apportion the representation of said county, as nearly as may be, according to the number of voters in the several districts. Such districts shall be so formed that no ward of a city and no town shall be divided, and no district shall be so formed that it shall be entitled to elect more than three representatives. The districts shall be numbered by the commissioners, and a description of each district, its number and the number of voters therein shall be transmitted to the secretary of the commonwealth, to the board of election commissioners of the city of Boston, to the treasurer of the city of Boston, to the city clerk of the city of Boston, to the city clerk of the city of Chelsea, to the clerk of the town of Revere and to the clerk of the town of Winthrop and shall be filed and kept in their respective offices.

SECTION 391. District attorneys, county commissioners, associate commissioners and county treasurers shall hold their several offices for terms of three years, and sheriffs, registers of deeds, clerks of the courts and registers of probate and insolvency for terms of five years, beginning with the first Wednesday of January in the year succeeding their respective elections and until their successors are chosen and qualified.

Terms of office of certain officers. 1907, 560, § 353. 1910, 246, § 1.

SECTION 392. District attorneys, registers of deeds and county treasurers shall be residents of the counties or districts for which they are chosen.

To be residents, etc. 1907, 560, § 354.

PART V.

Provisions applying to Town Meetings.

SECTION 393. The annual meeting of each town shall be held in February, March or April; and other meetings may be held at such times as the selectmen may order. Meetings may be adjourned from time to time, and to any place within the town.

Town meetings, time of holding, adjournments. 1907, 560, § 355.

SECTION 394. Every town meeting, except as hereinafter provided, shall be called in pursuance of a warrant, under the hands of the selectmen, directed to the constables or to some other persons, who shall forthwith give notice of such meeting in the manner prescribed by the by-laws or, if there are no by-laws, by a vote of the town. The warrant shall state the time and place of the meeting and the subjects to be there acted upon, and the selectmen shall insert in the warrant all subjects the insertion of which shall, in writing, be requested of them by any ten or more voters of the town. No action shall be valid unless the subject-matter thereof is contained in the warrant. Two or more distinct town meetings for distinct purposes may be called by the same warrant.

Warrants, notification. 1907, 560, § 356.

Contents.

Certain actions not valid.

Warrants may include two or more meetings.

SECTION 395. If a majority of the selectmen shall vacate their offices, or if the full number shall fail to be elected or qualified, the selectmen in office may call a town meeting.

Warrants in case of vacancy in board of selectmen. 1907, 560, § 357.

SECTION 396. If the selectmen unreasonably refuse to call a town meeting, a justice of the peace, upon the application of ten or more voters of the town, may call a meeting by a warrant under his hand, stating the subjects to be acted upon, directed to the constables of the town if there are any; otherwise to any of the persons applying therefor, directing

Justice of the peace may issue warrants in certain cases. 1907, 560, § 358.

them to summon the inhabitants qualified to vote in town affairs, to assemble at the time and place, and for the purposes expressed in the warrant.

Moderator, election. 1907, 560, § 359.

SECTION 397. At every town meeting, except for the election of state officers, when moderators are not elected for the term of one year, a moderator shall first be chosen.

May be elected for the term of one year.

Any town which has so voted or hereafter votes may at any annual election of town officers elect from the inhabitants thereof by ballot, a moderator to preside at all town meetings except those for the election of state officers. His term of office shall begin as soon as he is qualified, and shall continue until the next annual town meeting and until his successor is elected and qualified. Any town which has elected a moderator for the term of one year shall thereafter elect a moderator at every annual election of town officers, unless at a meeting duly called for the purpose the town votes to discontinue the electing of moderators for said term.

Vacancy.

If a vacancy in the said office occurs during any term it may be filled by the voters of the town at a meeting called for that purpose. If a moderator so elected is absent, a moderator pro tempore may be elected.

Election of moderator for one year in certain towns, proceedings.

In towns where official ballots are used, the vote to elect moderators for the term of one year shall be taken at a meeting held at least thirty days before the annual town meeting at which the vote is to become operative, and at the first annual meeting after the town has so voted a moderator shall be chosen as provided in section four hundred and ten to serve at that meeting, and the moderator elected on the official ballot at that meeting shall act at subsequent town meetings, except those for the election of state officers, until his successor is elected and qualified.

Who shall preside until a moderator is elected.

At every town meeting until a moderator or moderator pro tempore is elected, the town clerk shall preside, but if he is absent or if there is no town clerk, the chairman of the selectmen or the member longest in continuous service shall preside, but if no selectman is present, the justice of the peace calling such meeting, if the meeting is so called, shall preside. Such presiding officer shall have the powers and perform the duties of a moderator.

Powers and duties of moderators. 1907, 560, § 360. 1912, 252.

SECTION 398. The moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes, and may administer in open meeting the oath of office to any town officer chosen thereat. If a vote so declared is immediately questioned by seven

or more of the voters, he shall verify it by polling the voters or by dividing the meeting unless the town has by a previous order or by its by-laws provided another method.

Town may pass by-laws for regulation of proceedings at town meetings.

A town may at any town meeting called for the purpose pass by-laws, subject to the provisions of this section, for the regulation of the proceedings at town meetings of the town. Such by-laws shall be approved and published in the manner prescribed by section one of chapter three hundred and forty-four of the acts of the year nineteen hundred and four.

Speaking in town meeting regulated. 1907, 560, § 361.

SECTION 399. No person shall address a town meeting without leave of the moderator, and all persons shall at the request of the moderator be silent. If a person, after warning from the moderator, persists in disorderly behavior, the moderator may order him to withdraw from the meeting; and if he does not withdraw, may order a constable or any other person to remove him and confine him in some convenient place until the meeting is adjourned.

Election of Town Officers.

Annual town meeting, officers to be elected. 1907, 560, § 362.

SECTION 400. Every town at its annual meeting shall in every year, except as is otherwise provided in the following sections, choose from the inhabitants thereof the following named town officers, who, except as otherwise provided in the following sections, shall serve during the year:

A town clerk;

Three, five, seven or nine selectmen;

Three or more assessors; and, if the town so votes, three or more assistant assessors;

Three or more overseers of the poor;

A town treasurer, whom the town may at any meeting appoint collector of taxes;

One or more collectors of taxes, if the town so votes;

One or more auditors, who shall hold no other town office;

One or more highway surveyors, if the town so votes;

A road commissioner, if the town has provided for such officer;

A sewer commissioner, if the town has provided for such officer;

One or more constables, who shall also be collectors of taxes, unless other persons are specially chosen or appointed as such;

Two or more field drivers;

Two or more fence viewers; and such other town officers as are required by law then to be chosen;

A tree warden.

School committee.

The town shall likewise at its annual meeting choose from the inhabitants thereof members of the school committee, which committee shall consist of any number of persons divisible by three which the town has decided to elect, one third thereof to be elected annually, for the term of three years. If a town fails or neglects to choose such committee, an election at a subsequent meeting shall be valid. Where official ballots are used the number to be so elected shall be determined at a meeting held at least thirty days before the annual town meeting. A town may, at an annual meeting, if official ballots are not used, otherwise at a meeting held at least thirty days before the annual meeting at which such change is to become operative, vote to increase or diminish the number of its school committee. Such increase shall be made by adding one or more to each class, to hold office according to the tenure of the class to which they are severally chosen. Such diminution shall be made by choosing, annually, such number as will in three years effect it, and a vote to diminish shall remain in force until the diminution under it is accomplished.

Women eligible for certain offices.

Women shall be eligible as overseers of the poor and school committee.

Town clerk may be chosen for term of three years, etc. 1907, 560, § 363.

SECTION 401. In towns which vote to accept the provisions of this section or have voted to accept the corresponding provisions of earlier laws, the town clerk may, until such acceptance is revoked at a subsequent meeting, be chosen for a term of three years; and such clerk may also serve as clerk of such officers, boards and departments of the town as the town may determine by a vote taken at said meeting or at a subsequent meeting.

Certain towns to elect a highway surveyor. 1907, 560, § 364.

SECTION 402. In towns which vote to accept the provisions of this section or have voted to accept the corresponding provisions of earlier laws, there shall be elected at the annual town meeting in each year, until such acceptance is revoked by the town, a highway surveyor, who shall hold his office for one year. Upon the election of such surveyor, the office of road commissioner shall terminate.

Term of office of highway surveyor may be three years. 1911, 222.

SECTION 403. A town which has voted to accept the provisions of the preceding section, or has voted to accept the corresponding provisions of earlier laws, may vote that the term of office of the highway surveyor shall be three years.

When to take effect. 1907, 560, § 365.

SECTION 404. In towns where official ballots are not used, the question of the acceptance or revocation of the acceptance of any of the three preceding sections shall be voted upon only at an annual town meeting, and such vote shall take effect forthwith. In other towns, the question of acceptance or revocation shall be voted upon at a meeting held at least thirty days before the annual meeting at which such vote is to become operative.

Board of health, election, terms, etc. 1907, 560, § 366.

SECTION 405. A town may elect a board of health consisting of three persons, who shall serve for terms of one, two and three years respectively, beginning with the day following the meeting at which they are elected, or until their respective successors are chosen and qualified; and thereafter such town shall, at its annual town meeting, choose one member of such board who shall hold office for three years from the day following such meeting and until another is chosen and qualified in his stead. If no such board is chosen, the selectmen shall act as a board of health. In every town having more than five thousand inhabitants as determined by the latest national or state census at least one member of the board, unless composed of the selectmen, shall be a physician. Where official ballots are used the question of electing a board of health shall be voted upon at a meeting held at least thirty days before the annual meeting at which such vote is to become operative.

If not elected, selectmen to act.

One member to be a physician in certain towns.

When vote shall be taken in towns using official ballots.

Selectmen and overseers of the poor, election in certain towns. 1907, 560, § 367.

SECTION 406. A town may, at an annual meeting, if official ballots are not used, otherwise at a meeting held at least thirty days before the annual meeting at which such change is to become operative, vote to elect its selectmen, or overseers of the poor in the following manner: —

If the number fixed by the town is three, it shall, at the annual meeting when such vote is passed or at the next annual meeting, elect one for the term of one year, one for the term of two years and one for the term of three years; if the number is five, it shall elect one for the term of one year, two for terms of two years and two for terms of three years; if the number is seven, it shall elect two for terms of one year, two for terms of two years and three for terms of three years; if the number is nine, it shall elect three for terms of one year, three for terms of two years and three for terms of three years; and at each annual meeting thereafter, it shall elect one, two or three for the term of three years as the term of office of one, two or three expires.

In towns voting to increase or diminish the number of selectmen or overseers of the poor. 1907, 560, § 368.

SECTION 407. A town which votes to increase or diminish the number of its selectmen or overseers of the poor, may at the same meeting if an annual meeting, otherwise at the annual meeting next succeeding the meeting at which the vote was passed, elect one or more such additional officers, or omit to elect one or more such officers, so as to bring the number to the limit fixed by the vote of the town, with terms of office expiring in the manner provided in the preceding section; but one selectman and overseer of the poor shall be elected annually. A town which has voted to elect said officers as provided in the preceding section, may at an annual meeting if official ballots are not used, otherwise at a meeting held at least thirty days before the annual meeting, rescind such action; but such rescission shall not affect the term of office of any such officer.

May rescind action.

Assessors, except in Boston, election, terms of office, etc. 1907, 579.

SECTION 408. Each assessor in every city and town of the commonwealth, except in the city of Boston, shall be elected or appointed to hold office for the term of three years and until his successor is duly elected or appointed.

There shall be three, five, seven or nine assessors in each city and town, and as nearly one third as may be of the number shall be elected or appointed annually. A town by vote of a town meeting may change the number of assessors within the limits herein established, but such vote shall not effect the term of office of any assessor serving at the time of its adoption.

Town may vote to elect three road and three sewer commissioners. 1907, 560, § 369.

SECTION 409. A town may at an annual meeting if official ballots are not used, otherwise at a meeting held at least thirty days before the annual meeting, vote to elect three road commissioners and three sewer commissioners in the following manner: —

Election, terms of office.

It shall, at the annual meeting when such vote is passed or at the annual meeting next succeeding the meeting at which the vote was passed, elect one for the term of one year, one for the term of two years and one for the term of three years; and at each annual meeting thereafter it shall elect one for the term of three years. A town which has voted to elect said officers as herein provided, may in like manner rescind such action; and thereupon, if at an annual meeting, the offices of road commissioners or sewer commissioners shall be abolished. If such vote is taken at a meeting held at least thirty days before the annual meeting such abolition shall take effect at the next annual meeting.

May rescind action, etc.

Moderator, election in certain cases, ballots. 1907, 560, § 370.

SECTION 410. The election of a moderator at a meeting for the choice of town officers shall be by ballot and the voting list shall be used thereat. When moderators are not elected for the term of one year, if the number of voters registered for the annual town meeting shall exceed five hundred, no person shall print or distribute for use at the election of moderator at such meeting any ballots unless they shall be of plain white paper, in weight not less than that of ordinary printing paper, not less than five and one half nor more than six inches in length, and not less than three and one half nor more than four inches in width; shall have no printing, engraving, device or mark upon the back thereof, and, if printed, shall be printed in black ink with the name of the candidate in a line parallel with the length of the ballot, and in capital letters not less than one eighth of an inch nor more than one quarter of an inch in height. Ballots for moderator, although not in conformity with the above requirements, shall be received and counted.

Certain ballots to be counted.

Town officers, manner of election. 1907, 560, § 371.

SECTION 411. The election of town clerk, selectmen, assessors, overseers of the poor, town treasurer, auditor, collector of taxes, constables, road commissioners, sewer commissioners, board of health and school committee shall be by ballot; and the election of all other town officers shall be in such manner as the town may determine, unless otherwise provided by law. A town which chooses its overseers of the poor for one year, may, instead of electing such officers, provide by vote that the selectmen shall act also as overseers of the poor, or both. Such vote shall, in any town using official ballots, be passed at a meeting held at least thirty days before the annual meeting at which such selectmen are to be chosen.

Selectmen may act as overseers of the poor in certain towns.

When voting list is to be used. 1907, 560, § 372.

SECTION 412. The voting list shall be used and the name of every person voting shall be checked thereon in the election of all town officers whose election is by law required to be by ballot, and in voting upon the question of granting licenses for the sale of intoxicating liquors; but in the election of other town officers the meeting shall determine whether the voting list shall be used.

Ballots to be sealed up, indorsed, etc. 1907, 560, § 373.

SECTION 413. If the town clerk, selectmen, assessors, treasurer, collector of taxes and school committee are voted for on one ballot, the moderator shall cause all such ballots when canvassed and counted, and record thereof has been made, publicly to be enclosed in envelopes, which shall be

sealed and indorsed, and certified in the manner required by section three hundred and four.

Town clerk, oath, etc. 1907, 560, § 374.

SECTION 414. A person who is elected town clerk, if present at the meeting, shall forthwith be sworn, either by the moderator or by a justice of the peace, and shall at once enter upon the performance of his duties.

Town officers, term of office, etc.

Every town officer designated by name in section four hundred, unless other provision is specifically made by law, shall enter upon the performance of his duties on the day after his election or as soon thereafter as he is qualified, and shall hold office during the term fixed by law, which shall begin on the day after the annual meeting, and until another person is chosen and qualified in his stead.

Town officers, oath of office. 1907, 560, § 375.

SECTION 415. Town officers designated by name in section four hundred shall, before entering upon their official duties, be sworn to the faithful performance thereof. Such oath may be administered by the moderator in open town meeting, or by the town clerk.

Town clerk to notify certain officers.

The town clerk shall forthwith, after the election or appointment of town officers required to take an oath of office, make a list of the names of all such officers not sworn by him or by the moderator, and deliver it with his warrant to a constable requiring him within three days to summon each such person to appear and take the oath of office within seven days after the service of such summons upon him; and the constable shall within said seven days make return thereof to the town clerk. Persons so summoned, unless exempt by law from holding the office, shall within said seven days, take the oath of office before the town clerk or before a justice of the peace, and file a certificate thereof with the town clerk.

To appear and take oath within seven days, etc.

Exemption from liability to hold town office. 1907, 560, § 376.

SECTION 416. No person shall be required to serve two terms successively in the same town office; and no person shall be required to accept the office of constable who holds a commission as an officer of the United States or of the commonwealth, who is a member of the council, of the general court, a minister of the gospel, an engineman, a member of the fire department, or who has been a constable or collector of taxes in the town within the preceding seven years. No person shall be required to serve in the office of highway surveyor oftener than once in three years.

Depositing of certain ballots. 1907, 560, § 377.

SECTION 417. At any meeting for the choice of town officers in a town not using official ballots, no ballots shall be received by the moderator unless presented for deposit in the ballot box, open and unfolded, by the voter in person,

and so that the moderator can know that only one ballot is presented. No moderator or other election officer shall, before the polls are closed, read or examine, or permit to be read or examined, the names contained upon any ballot.

Ballots not to be read or examined before polls are closed.

SECTION 418. The moderator shall receive the votes of any person whose name is on the voting list, or who presents a proper certificate from the registrars of voters.

Moderator to receive votes of registered voters. 1907, 560, § 378.

SECTION 419. The secretary of the commonwealth shall at least seven days before the annual meeting send to the town clerk of each town not using official ballots, ballots upon the question of granting licenses for the sale of intoxicating liquors therein, which shall contain the words: "Shall licenses be granted for the sale of intoxicating liquors in this town?" "Yes." or "No.", and no other words. Ballots of each kind shall be provided in number equal at least to the number of registered voters in such town. They shall be distributed to the voters at the polling place under the direction of the town clerk.

Ballots for voting on question of granting liquor licenses. 1907, 560, § 379.

Distribution.

SECTION 420. No ballot shall be received from any woman who votes for school committee in a town which does not use official ballots unless it has the words "For School Committee only", on the back thereof. Such ballots shall be counted only in the choice of members of the school committee, and for no other office or purpose.

Ballots for women voting for school committee. 1907, 560, § 380.

SECTION 421. Towns divided into voting precincts may, for their annual town election, establish precinct voting for all town officers to be chosen thereat and for voting on the question of granting licenses for the sale of intoxicating liquors, by accepting the provisions of this section at a meeting called for the purpose and held fourteen days at least before the annual town meeting. The acceptance of the said provisions may be revoked by the town at a meeting called for the purpose and held thirty days at least before the annual town meeting; and if so revoked, the said provisions shall cease to be in force therein. In towns so voting, or which have accepted the corresponding provisions of earlier laws, all matters to be considered at the annual town meeting, other than the election of town officers and the question of granting licenses for the sale of intoxicating liquors, shall be in order only at a town meeting held within thirty days after the date of the annual election, and not later than the thirtieth day of April. The time and place of holding such subsequent meeting shall be stated in the warrant for the annual election, and said election, subsequent

Towns may establish precinct voting for town officers and on question of granting liquor licenses. 1907, 560, § 381. 1913, 431.

Acceptance may be revoked.

Other matters to be acted upon at a subsequent meeting.

Time and place of holding subsequent meeting, etc.

meeting and its adjournments shall be regarded as parts of the annual town meeting. The election of a moderator, except in towns where moderators are elected for the term of one year, shall be the first business in order at said subsequent meeting. Towns are not hereby authorized to vote by precincts at special elections of town officers.

Not to vote by precincts at special elections of town officers.

Canvass of returns, etc. 1907, 560, § 382.

SECTION 422. The town clerk and the board of registrars, upon receipt of the returns from the several precincts, shall forthwith canvass the same and immediately declare the result and notify the persons chosen as town officers as provided in section four hundred and fifteen.

Proceedings in Cases of Failure to elect, and Vacancies in Town Offices.

Vacancies in town offices, how filled. 1907, 560, § 383.

SECTION 423. If there is a failure at an election to choose a town officer, or if a person chosen shall not accept such office, or if a vacancy shall occur, the town may, at any legal meeting, except as provided in section four hundred and twenty-six, elect a person to such office.

When official ballots are used.

If, at an election of town officers for which official ballots are used, there is a failure to elect a town officer, he may be elected at an adjourned or succeeding meeting; and ballots shall be prepared and furnished for such meeting, containing the nominations already made and such as may subsequently be made for the office.

Town clerk pro tempore, election. 1907, 560, § 384.

SECTION 424. If, at a town meeting, there is a vacancy in the office of town clerk, or if he is absent, the meeting shall elect by ballot a clerk pro tempore. The selectmen shall receive and count the votes and declare the election of such clerk. If, in case of a vacancy, other duties than those required of a town clerk at a town meeting are to be performed, or if he is unable to perform such duties, the selectmen may in writing under their hands appoint a clerk for the performance thereof, who shall be sworn and shall, in the performance of such duties, have the same powers and be subject to the same requirements and penalties as the town clerk, and he shall immediately make a record of his election or appointment.

Clerk to be appointed in certain cases, etc.

Constables, election, etc. 1907, 560, § 385.

SECTION 425. A person chosen constable at a town meeting shall, if present, forthwith declare his acceptance or refusal of his office. If he does not accept the office, the town shall, if official ballots are not used, elect another person

to the office, and continue so to elect until some person accepts the office and is sworn.

Assessors may be appointed in certain cases, etc. 1907, 560, § 386.

SECTION 426. If the assessors of a town, or the selectmen acting as such, shall in any year fail to perform their duties, the county commissioners may appoint three or more inhabitants of the county to be assessors for such town, who shall be sworn, shall hold office until the offices of assessors are filled by the town, and shall receive from the town the compensation of assessors.

Treasurer or collector, appointment. 1907, 560, § 387.

SECTION 427. If the office of treasurer or collector of taxes is vacant, or if the treasurer or collector is unable to perform his duties, the selectmen may in writing appoint a treasurer or collector pro tempore, who shall be sworn, give bond in like manner as the treasurer or collector chosen by the town, and hold such office until another is chosen by the town and qualified or the disability is removed. If a treasurer or collector does not, within ten days after his election or appointment, give bond, the selectmen may declare the office vacant and appoint another in his place.

To give bond, etc.

Auditor, appointment. 1907, 560, § 388.

SECTION 428. If the office of an auditor in a town is vacant, the remaining auditors, if any, may perform the duties thereof and may appoint a person to aid them. If there is no remaining auditor, the selectmen shall appoint an auditor to serve until another is chosen and qualified.

Certain officers, appointment, election, etc. 1907, 560, § 389.

SECTION 429. If there is a failure to elect, or if a vacancy occurs in any town office, other than the offices of selectmen, town clerk, assessor, treasurer, collector of taxes or auditor, the selectmen shall in writing appoint a person to fill such vacancy. If there is a vacancy in a board consisting of two or more members, the remaining members shall give notice thereof in writing to the selectmen, who, with the remaining member or members of such board shall, after one week's notice, fill such vacancy by ballot. A majority of the ballots of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall perform the duties of the office until the next annual meeting or until another is chosen and qualified.

Vacancies, removal from town. 1907, 560, § 390.

SECTION 430. If a person removes from a town, he shall thereby vacate any town office held by him.

Proceedings at special elections. 1907, 560, § 391.

SECTION 431. The proceedings in an election held by reason of a previous failure to elect, or to fill a vacancy, and the qualifications of a person to be elected or appointed, shall be the same as in an original election.

Town Elections at which Official Ballots are used.

Town may vote to use official ballots, etc. 1907, 560, § 392.

SECTION 432. A town may, at a meeting called for the purpose, vote that official ballots shall thereafter be used therein; and may, at the annual town meeting or at a meeting so called and held at least thirty days before the annual town meeting, by a two thirds vote rescind such action.

Nominations, elections, etc.

In town elections at which official ballots are used, nominations for town officers elected by ballot shall be made, ballots and other apparatus therefor provided, and elections of such officers conducted, in accordance with the provisions of this act so far as applicable.

Number and terms of office. 1907, 560, § 393.

SECTION 433. If a town votes that official ballots shall be used for the election of town officers, it shall at the same meeting determine what officers in addition to those required to be so elected shall thereafter be so chosen, and determine the number and terms of office, if not already fixed. No change shall thereafter be made in the officers to be chosen by ballot or in the number or terms of office thereof, except at a meeting held at least thirty days before the annual meeting at which such change is to become operative.

Change in officers to be chosen by ballot, etc.

PART VI.

Penalties upon Officers.

Penalties on assessor and assistant assessor. 1907, 560, § 394.

SECTION 434. An assessor or assistant assessor who knowingly enters on any list of assessed polls, or causes or allows to be entered thereon, the name of any person as a resident of a building, who is not a resident thereof, shall for each offence be punished by imprisonment for not more than six months.

On registrar or assistant registrar. 1907, 560, § 395.

SECTION 435. A registrar or assistant registrar who refuses or wilfully neglects to require, under section forty-seven, an applicant for registration to read the five lines from the constitution of the commonwealth in such manner as to show that he is neither prompted nor reciting from memory, or to write his name in the register, unless he is prevented by physical disability from so doing, or unless he had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, or distinctly to announce the name of an applicant for registration before entering his name upon the register, or who knowingly prevents or seeks to prevent the registration of any legal voter, or who knowingly registers the name of any person not qualified

to vote, or who is guilty of any fraud or corrupt conduct in the execution of the duties of his office, shall be punished by imprisonment for not more than six months.

On member of listing board or police officer in Boston. 1907, 560, § 396.

SECTION 436. A member of the listing board or a police officer in Boston who knowingly enters on any list of male persons or women voters, or causes, or allows to be entered thereon, the name of any person as a resident of a building, who is not a resident thereof, shall for each offence be punished by imprisonment for not more than one year.

Same subject, etc. 1907, 560, § 397.

SECTION 437. A member of the listing board or a police officer in Boston upon whom a duty is imposed by this act, who refuses or wilfully neglects or wilfully fails to perform such duty, or who wilfully performs it contrary to law, shall for each offence, if no other penalty is specifically imposed therefor, be punished by imprisonment for not more than one year.

On officer of a primary, caucus or convention. 1907, 560, § 398.

SECTION 438. An officer of a primary, caucus or convention who knowingly makes any false count of ballots or votes, or makes a false statement or declaration of the result of a ballot or vote, or knowingly refuses to receive any ballot offered by a person qualified to vote at such primary, caucus or convention, or wilfully alters, defaces or destroys any ballots cast, or voting lists used thereat, before the requirements of this act have been complied with, or declines or wilfully fails to receive any written request made as therein required, or declines or wilfully fails to perform any duty or obligation imposed thereby shall be punished by imprisonment for not more than three months.

On caucus officer who neglects to comply with requirements of section 155.

Any such presiding officer, secretary or clerk of a caucus who wilfully neglects or refuses to comply with the requirements of section one hundred and fifty-five shall be punished by a fine of not more than fifty dollars for each offence.

On caucus officer violating provisions of section 146. 1907, 560, § 399.

SECTION 439. A caucus officer who violates any of the provisions of section one hundred and forty-six shall be punished by imprisonment for not more than one year.

On supervisor violating provisions of section 240. 1907, 560, § 400.

SECTION 440. A supervisor appointed under section two hundred and forty, violating any provision thereof, shall be punished by imprisonment for not more than one year.

On election officer. 1907, 560, § 401.

SECTION 441. An election officer who, before the public declaration of the vote at an election, makes any statement of the number of ballots cast, of the number of votes given for any person, of the name of any person who has voted, of the name of any person which has not been voted on, or of any other fact tending to show the state of the polls

shall be punished by imprisonment for not more than thirty days.

On presiding officer. 1907, 560, § 402.

SECTION 442. A presiding officer at a caucus, primary or state or city election, or at an election in a town at which official ballots are used, who, when the right of a person offering to vote is challenged for any legal cause, wilfully or negligently fails to require the name and residence of such person to be written upon the ballot offered by him, and to add thereto the name of the person challenging and the assigned cause, before such ballot is received, shall be punished by imprisonment for not more than one year.

On officer recounting ballots. 1907, 560, § 403.

SECTION 443. A primary, election or other officer whose duty it is to recount the ballots cast at a primary or election, who makes any statement or gives any information in regard to a ballot cast by a voter challenged at such primary or election, except as required by law, shall be punished by imprisonment for not more than one year.

On presiding officer at town election. 1907, 560, § 404.

SECTION 444. A presiding officer who, at a town election at which official ballots are not used, before the polls are closed and without the consent of a voter, reads or examines or permits to be read or examined, the names written or printed on the ballot of such voter, in order to ascertain the persons voted for by him, shall be punished by imprisonment for not more than thirty days.

On primary or election officer. 1907, 560, § 405.

SECTION 445. A primary or election officer who wilfully or negligently violates any provision relating to the enclosing in envelopes, sealing, indorsing and delivering or transmitting of ballots and voting lists, after the votes have been counted and recorded, shall be punished by imprisonment for not more than one year.

On city or town clerk or election commissioner. 1907, 560, § 406.

SECTION 446. A city or town clerk or an election commissioner who examines or permits to be examined, except as required by law, ballots cast at an election which are received and retained by him under section three hundred and six, shall be punished by a fine of not more than two hundred dollars.

On city or town clerk or election commissioner. 1907, 560, § 407.

SECTION 447. A city or town clerk or an election commissioner who fails to make a record of votes cast at an election and to make and transmit copies of any such record, as required by this act, shall be punished by a fine of not more than two hundred dollars; but if a copy of the records is deposited in the post office within the time fixed for transmission or delivery, postpaid and properly addressed, it shall be a bar to any complaint for delinquency.

SECTION 448. A city or town clerk, precinct clerk or election commissioner who wilfully signs a certificate not in accordance with the result of an election as appearing by the records and copies of records of votes cast, or by a recount of votes, shall be punished by imprisonment for not more than one year.

On city or town clerk, precinct clerk or election commissioner. 1907, 560, § 408.

SECTION 449. A selectman who wilfully gives a certificate of election to a person voted for as representative in the general court, which is not in accordance with the declaration of the vote in open town meeting at the time of the election, or not in accordance with a recount of votes, shall be punished by imprisonment for not more than one year.

On selectman. 1907, 560, § 409.

SECTION 450. A public officer, primary, caucus or election officer, or officer or member of a political committee or convention, upon whom a duty is imposed by law, who refuses or wilfully neglects or wilfully fails to perform such duty, or who wilfully performs it contrary to law, shall for each offence, if no other penalty is herein specifically imposed therefor, be punished by a fine of not less than five nor more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment. A primary or election officer in the city of Boston who knowingly permits or aids in the violation of any provisions of law relating to registration, primaries or elections, shall be punished by imprisonment in the state prison for not more than three years or in the house of correction for not less than six months.

On a public officer, primary, caucus or election officer, officer or member of a political committee or convention, etc. 1907, 560, § 410.

On a primary or election officer in Boston.

Penalties upon Voters.

SECTION 451. Whoever at a primary or caucus votes or attempts to vote, knowing that he is not entitled so to do, or votes or attempts to vote upon any name other than his own, or more than once on his own name, or casts or attempts to cast more than one ballot, or places any distinguishing mark upon a ballot, or makes a false statement as to his ability to mark his ballot, or unlawfully allows the marking of his ballot to be seen by any person, or gives a false answer to, or makes a false oath before, a presiding officer, shall be punished by imprisonment for not more than six months.

For illegally voting or attempting to vote, placing distinguishing mark on ballot, etc. 1907, 560, § 411.

For making false statement, unlawfully allowing marking of ballot to be seen, making false answer or oath.

SECTION 452. A voter who violates any of the provisions of section one hundred and forty-six shall be punished by imprisonment for not more than one year.

For violating provisions of section 146. 1907, 560, § 412.

For placing distinguishing mark upon ballot. 1907, 560, § 413.

SECTION 453. A voter who, at a primary or election, places any distinguishing mark upon his ballot shall be punished by imprisonment for not more than six months.

For making false statement, or unlawfully allowing ballot to be seen. 1907, 560, § 414.

SECTION 454. A voter who makes a false statement as to his inability to mark a ballot, or who, except for the purpose of obtaining assistance under section two hundred and ninety-four, allows his ballot to be seen by any person with an intention of indicating how he is about to vote shall be punished by a fine of not more than one hundred dollars.

For illegally voting or attempting to vote, etc. 1907, 560, § 415.

SECTION 455. Whoever at a primary or election, knowing that he is not a qualified voter in the place where he votes or attempts to vote, wilfully votes or attempts to vote thereat; whoever at a primary or election votes or attempts to vote more than once on his own name, his name having been registered more than once; whoever at a primary or election votes or attempts to vote in more than one voting precinct or town, his name having been registered in more than one voting precinct or town; whoever at a primary or election votes or attempts to vote on any name other than his own, or knowingly casts or attempts to cast more than one ballot at one time of balloting; whoever at a primary or election votes or attempts to vote otherwise illegally; or whoever aids or abets any other person in doing any of the acts above mentioned, shall be punished by imprisonment for not more than one year.

For aiding or abetting.

For giving false answer. 1907, 560, § 416.

SECTION 456. Whoever at a primary or election wilfully gives a false answer to a presiding officer shall be punished by a fine of not more than one hundred dollars.

General Penalties.

For refusing to give true name or information. 1907, 560, § 417.

SECTION 457. Whoever, being an inmate of a building and liable to be assessed for a poll tax, refuses or neglects to give his true name when asked by an assessor or assistant assessor, or whoever, being an owner or occupant of a building, refuses or neglects to give the full and true information within his knowledge relating to all persons residing in such building, when asked by an assessor or assistant assessor, shall be punished by imprisonment for not more than three months.

For refusing to give true name or information in Boston. 1907, 560, § 418.

SECTION 458. Whoever in Boston, being an inmate of a building and a male resident twenty years of age or upward, refuses or neglects to give his true name, when asked by a member of the listing board or a police officer

acting under this act, or whoever, being an owner or occupant of a building, or a clerk, superintendent, manager or other person having in charge the affairs of a hotel or lodging house, refuses or neglects to give the full and true information within his knowledge relating to all persons residing in such building, when asked by a member of the listing board or a police officer acting under this act, shall be punished by imprisonment for not more than three months.

For giving name of non-resident. 1907, 560, § 419.

SECTION 459. Whoever knowingly gives to an assessor or assistant assessor, for the purpose of the assessment of a poll tax, or in Boston to a member of the listing board or a police officer, for the purpose of making a list of male residents twenty years of age or upwards or women voters, the name of any person as a resident of a building, who is not a resident therein, shall be punished by imprisonment for not more than one year.

For false affidavit, oath or certificate. 1907, 560, § 420.

SECTION 460. Whoever knowingly or wilfully makes a false affidavit, takes a false oath or signs a false certificate relative to the qualifications of any person for assessment or registration, or in Boston for being listed or given a certificate by the listing board, shall be punished by imprisonment for not more than one year.

For aiding or abetting, in Boston. 1907, 560, § 421.

SECTION 461. Whoever in Boston aids or abets a person in knowingly or wilfully making a false affidavit, taking a false oath or signing a false certificate, relative to the qualifications of any person for being listed as a resident thereof or given a certificate of such residence by the listing board, shall be punished by imprisonment for not more than one year.

For illegally registering, false representation, answer, etc. 1907, 560, § 422.

SECTION 462. Whoever causes or attempts to cause his name to be registered, knowing that he is not a qualified voter in the place of such registration or attempted registration; whoever registers or attempts to register under a name other than his own; whoever represents or attempts to represent himself as some other person to any election commissioner, registrar or assistant registrar; whoever gives a false answer to any election commissioner, registrar or assistant registrar respecting any matter relating to his registration or his right to vote; whoever otherwise illegally registers or attempts to register; or whoever aids or abets any other person in doing any of the acts above mentioned, shall be punished by imprisonment for not more than one year.

For disorderly conduct, etc., at registration. 1907, 560, § 423.

SECTION 463. Whoever refuses to obey the lawful orders or directions of an election commissioner, a registrar or

assistant registrar, or interrupts or disturbs the proceedings at any registration shall be punished by a fine of not more than one hundred dollars.

For interfering with supervisor of registration. 1907, 560, § 424.

SECTION 464. Whoever interferes with, or aids or abets any person in interfering with, any supervisor of registration in the performance of his duty, shall be punished by imprisonment for not more than one year.

For defacing or removing notice, voting list, warrant, etc. 1907, 560, § 425.

SECTION 465. Whoever wilfully defaces or removes a notice relating to the registration of voters, or a voting list or notice or warrant for a primary or election posted in a city or town shall be punished by imprisonment for not more than one year.

For aiding, etc., persons in illegal voting, interference with voter, etc. 1907, 560, § 426.

SECTION 466. Whoever aids or abets a person, who is not entitled to vote, in voting or attempting to vote at a primary or caucus, or in voting or attempting to vote under a name other than his own, or in casting or attempting to cast more than one ballot, or wilfully and without lawful authority hinders, delays or interferes with, or aids in hindering, delaying or interfering with, a voter while on his way to a primary or caucus, while marking his ballot or while voting or attempting to vote, or endeavors to induce a voter to show his ballot, shall be punished by imprisonment for not more than one year.

For altering ballot cast at a primary or caucus, illegally depositing or removing ballot, etc. 1907, 560, § 427.

SECTION 467. Whoever alters a ballot cast at a primary or caucus or, not being authorized thereto, deposits a ballot in a ballot box or envelope used at a primary or caucus, or removes a ballot from such ballot box or envelope, shall be punished by imprisonment in jail for not more than three years.

For falsely making, filing, suppressing, defacing, etc., certificate, nomination paper or letter. 1907, 560, § 428.

SECTION 468. Whoever falsely makes or wilfully alters, defaces, mutilates, destroys or suppresses a certificate of nomination or nomination paper, or letter of withdrawal of a name from such paper, or unlawfully signs any such certificate, paper or letter, or files any such certificate, paper or letter, knowing the same to be falsely made or altered, shall be punished by imprisonment for not more than one year.

On magistrate taking oath of signer to nomination paper. 1907, 560, § 429.

SECTION 469. Whoever as a notary public, justice of the peace or other magistrate takes the oath of a signer to a nomination paper without satisfying himself that the person to whom the oath is administered is the signer of such nomination paper, or who shall fail to state in his attestation of such oath that he is so satisfied, shall be

punished by a fine of not less than ten or more than fifty dollars.

For writing, printing, posting, distributing, etc., anonymous circulars, etc. 1907, 560, § 430. 1910, 55, § 3.

SECTION 470. Whoever intentionally writes, prints, posts or distributes, or causes to be written, printed, posted or distributed, a circular or poster which is designed or tends to injure or defeat any candidate for nomination or election to any public office, by criticising his personal character or political action, or which is designed or tends to aid, injure, or defeat a constitutional amendment or any other question submitted to the voters, unless there appears upon such circular or poster in a conspicuous place either the names of the chairman and secretary, or of two officers of the political or other organization issuing the same, or of some voter who is responsible therefor, with his name and residence, and the street and number thereof, if any, shall be punished by imprisonment for not more than six months.

For obstructing or interfering with transmission of ballots or returns. 1907, 560, § 431.

SECTION 471. Whoever wilfully obstructs or interferes with the transmission of ballots or returns to or from a polling place shall be punished by imprisonment for not more than one year.

For posting, distributing, etc., certain posters, cards, etc. 1907, 560, § 432.

SECTION 472. Whoever posts, exhibits, circulates or distributes any poster, card, handbill, placard, picture or circular, except a paster to be placed upon the official ballot, intended to influence the action of a voter, in the polling place, in the building in which the polling place is located or on the walls thereof, on the premises on which the building stands, or on the sidewalk adjoining said premises, or within one hundred and fifty feet of the entrance to such polling place, shall be punished by a fine of not more than twenty dollars.

For injuring or destroying ballot box blanks or apparatus. 1907, 560, § 433.

SECTION 473. Whoever wilfully or maliciously injures or destroys a ballot box or any of the blank forms or apparatus furnished to a city or town under sections two hundred and forty-three and two hundred and forty-four, shall be punished by imprisonment for not more than one year.

For tampering with, injuring, etc., voting machine or ballot box. 1912, 641, § 11.

SECTION 474. Any person who shall tamper with or injure or attempt to injure any voting machine or ballot box to be used or being used in an election, or who shall prevent or attempt to prevent the correct operation of such machine or box, or any unauthorized person who shall make or have in his possession a key to a voting machine or ballot box to be used or being used in an election, shall be guilty of a felony and shall be punished by a fine of not less than one

To be guilty of a felony.

hundred dollars or more than five hundred dollars, or by imprisonment in the state prison for not less than one year or more than five years, or by both such fine and imprisonment.

For refusal, etc., to comply with regulations relative to receiving, counting or returning votes, etc. 1907, 560, § 434.

SECTION 475. Whoever refuses or wilfully neglects to comply with any regulation made by the election commissioners, aldermen or selectmen relative to the manner of receiving, counting and returning votes cast at a primary or election, or relative to the use of seals and ballot boxes, shall be punished by imprisonment for not more than six months.

For interfering with certain officers in the performance of their duties. 1907, 560, § 435.

SECTION 476. Whoever interferes, or aids or abets any person in interfering with an election commissioner, city or town clerk, or election officer, in the performance of his duties shall be punished by imprisonment for not more than one year.

For hindering, molesting, etc., supervisor of elections. 1907, 560, § 436.

SECTION 477. Whoever prevents a supervisor of elections from doing any of the acts authorized by section two hundred and forty of this act, or hinders or molests him in doing any such acts, or aids or abets in preventing, hindering or molesting him in doing any of such acts, shall be punished by imprisonment for not more than one year.

For printing or distributing ballots in violation of section 410. 1907, 560, § 437.

SECTION 478. Whoever prints or distributes a ballot for use in the election of moderator at a town meeting in violation of section four hundred and ten, shall be punished by imprisonment for not more than sixty days.

For defacing, destroying, etc., lists, cards, ballots, supplies, etc. 1907, 560, § 438.

SECTION 479. Whoever, before a primary or election, wilfully defaces or destroys any list of candidates posted under the provisions of this act, or, during a primary, caucus or election, wilfully defaces, tears down, removes or destroys any card of instruction or specimen ballot posted for the instruction of voters, or during a primary, caucus or election, wilfully removes or destroys any of the supplies or conveniences furnished to enable a voter to prepare his ballot, shall be punished by a fine of not more than one hundred dollars.

For forging indorsement, destroying, etc., or delaying delivery of ballots. 1907, 560, § 439.

SECTION 480. Whoever forges or falsely makes the official indorsement on any ballot, or wilfully destroys or defaces a ballot, or wilfully delays the delivery of any ballots, shall be punished by imprisonment for not more than one year.

For obstructing or delaying voter. 1907, 560, § 440.

SECTION 481. Whoever wilfully and without lawful authority obstructs or delays a voter while on his way to the polling place where he is entitled to vote or while he is voting or attempting to vote, or aids or assists in any such

obstruction or delay, shall be punished by imprisonment for not more than one year.

For interfering with or inducing voter to show ballot. 1907, 560, § 441.

SECTION 482. Whoever interferes or attempts to interfere with a voter while he is marking his ballot or is within the space enclosed by the guard rail, or endeavors to induce a voter, before he has voted, to show how he marks or has marked his ballot, shall be punished by a fine of not more than one hundred dollars.

For obstructing voting. 1907, 560, § 442.

SECTION 483. Whoever wilfully obstructs the voting at a primary or election shall be punished by a fine of not more than one hundred dollars.

For aiding or abetting in illegal voting. 1907, 560, § 443.

SECTION 484. Whoever aids or abets a person who is not qualified to vote at a primary or election in voting or attempting to vote, or aids or abets a person in voting or attempting to vote under a name other than his own, or in casting or attempting to cast more than one ballot at one time of balloting, shall be punished by imprisonment for not more than one year.

For marking ballot contrary to law. 1907, 560, § 444.

SECTION 485. Whoever places a mark against a name on a ballot not cast by himself, or places a distinguishing mark on a ballot not cast by himself, except as authorized by law, shall be punished by imprisonment in jail for not more than three years.

For altering, depositing or removing ballot with intent to defraud. 1907, 560, § 445.

SECTION 486. Whoever, with intent to defraud, alters a ballot cast at a primary or election; or, with such intent, deposits a ballot in the ballot box used at a primary or election, or in an envelope provided by law for the preservation of ballots cast at a primary or election; or, with such intent, removes a ballot from any such ballot box or envelope, shall be punished by imprisonment in jail for not more than three years.

For removal of ballot from enclosed space. 1907, 560, § 446.

SECTION 487. Whoever removes a ballot from the space enclosed by the guard rail before the close of the polls shall be punished by imprisonment for not more than one year.

For employing etc., certain persons on day of state election. 1907, 560, § 447.

SECTION 488. An owner, superintendent or overseer in any manufacturing, mechanical or mercantile establishment, who employs or permits to be employed therein any person entitled to vote at a state election, during the period of two hours after the opening of the polls in the voting precinct or town in which such person is entitled to vote, if he shall make application for leave of absence during such period, shall be punished by a fine of not more than one hundred dollars.

For attempting to influence voter by threats, etc. 1907, 560, § 448.

SECTION 489. Whoever by threatening to discharge a person from his employment or to reduce his wages, or by promising to give him employment at higher wages, attempts to influence a voter to give or to withhold his vote at an election, or whoever, because of the giving or withholding of a vote at an election, discharges a person from his employment or reduces his wages, shall be punished by imprisonment for not more than one year.

For bribery at elections. 1907, 560, § 449.

SECTION 490. Whoever pays or gives, or directly or indirectly promises to a voter any gift or reward to influence his vote or to induce him to withhold his vote, shall be punished by imprisonment for not more than one year.

For disorderly conduct at a primary, caucus or election. 1907, 560, § 450.

SECTION 491. Whoever, at a primary, caucus or election, behaves in a disorderly manner, and, after notice from the presiding officer, persists in such behavior and refuses to withdraw from the polling place, shall be punished by imprisonment for not more than thirty days.

For disobeying orders of primary, caucus or election officer. 1907, 560, § 451.

SECTION 492. Whoever wilfully disobeys any lawful command of an election, caucus or primary officer shall be punished by imprisonment for not more than thirty days.

For not removing pipe, cigar, liquor, etc. 1907, 560, § 452.

SECTION 493. Whoever, when so ordered by the presiding officer of an election, caucus, primary or meeting, refuses or fails to remove any pipe, cigar, cigarette or liquor, or to withdraw from the polling place, as provided by section two hundred and eighty-eight, shall be punished by a fine of not more than twenty dollars.

For giving information regarding challenged votes. 1907, 560, § 453.

SECTION 494. Whoever gives any information derived from a recount of votes, relative to a ballot cast by a challenged voter at an election, caucus or primary, shall be punished by imprisonment for not more than one year.

For violating provisions of section 352. 1908, 85, § 2.

SECTION 495. Whoever violates the provisions of section three hundred and fifty-two relative to obtaining nomination papers shall be punished by a fine of not more than one hundred dollars.

For violating provisions of section 353. 1908, 483, § 2. 1912, 229, § 2.

SECTION 496. Any corporation violating the provisions of section three hundred and fifty-three shall be punished by a fine of not more than ten thousand dollars, and any officer, director or agent of a corporation violating any provision of said section or authorizing such violation, or any person who violates or in any way knowingly aids or abets the violation of any provisions of said section shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than six months.

SECTION 497. Whoever is convicted of wilfully violating any provision of law relating to corrupt practices in elections shall be deemed ineligible to hold public office for three years following the date of his conviction. For violating provisions relating to corrupt practices. 1911, 679, § 5.

SECTION 498. If a person elected to public office is convicted of any wilful violation of the law relating to corrupt practices in connection with the primary or election at which he was nominated or elected, his office shall thereby be vacated, and a new election shall be held for the purpose of filling the same. Same subject. 1911, 679, § 6.

SECTION 499. Any corporation which violates any provision of sections three hundred and fifty-four to three hundred and fifty-six, inclusive, shall be punished by a fine of not more than ten thousand dollars, and any officer, director or agent of a corporation violating any such provision, who authorized such violation, or any person who violates, or in any way knowingly aids or abets the violation of, any such provision, shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year. For violating provisions of sections 354 to 356. 1907, 581, § 4.

SECTION 500. Whoever violates any provision of section three hundred and fifty-eight shall be punished by a fine not exceeding one hundred dollars, or by imprisonment for not exceeding three months, or by both such fine and imprisonment. For violating provisions of section 358. 1908, 518, § 2.

SECTION 501. Whoever violates any provision of law relating to corrupt practices in elections, the punishment for which is not specially determined by law, shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars. For violating provisions relating to corrupt practices. 1907, 560, § 454.

SECTION 502. The supreme judicial court and the superior court shall have jurisdiction at law or in equity or by mandamus to enforce the provisions of this act. Police officers and constables shall arrest without a warrant any person detected in the act of violating the caucus, primary or election laws. A prosecution for the violation of any provision of this act shall not, unless the purposes of justice require such disposition, be placed on file or disposed of except by trial and judgment according to the regular course of criminal proceedings. It shall be disposed of otherwise only upon motion in writing stating specifically the reasons therefor and verified by affidavit if facts are relied on. If the court or magistrate certifies in writing that he is satisfied Enforcement of provisions. 1907, 560, § 455.

that the cause relied on exists and that the interests of public justice require the allowance of the motion the motion shall be allowed and the certificate of the court or magistrate shall be filed in the case.

Repeal of Former Statutes.

Repeal.

SECTION 503. Chapters five hundred and forty-three, five hundred and sixty, five hundred and seventy-nine, and five hundred and eighty-one of the acts of the year nineteen hundred and seven; chapters eighty-three, eighty-five, three hundred and forty-five, three hundred and ninety-one, four hundred and twenty-three, four hundred and twenty-five, four hundred and twenty-eight, four hundred and sixty-one, four hundred and eighty, four hundred and eighty-three, and five hundred and eighteen of the acts of the year nineteen hundred and eight; chapters one hundred and forty-nine, two hundred and thirteen, two hundred and sixty-four, three hundred and forty-four, three hundred and fifty-six, four hundred and forty, and four hundred and ninety-two of the acts of the year nineteen hundred and nine; chapters forty-four, fifty-five, one hundred and forty-seven, one hundred and eighty-two, two hundred, two hundred and forty-six, and five hundred and twenty of the acts of the year nineteen hundred and ten; chapters two hundred and twenty-two, three hundred and four, three hundred and fifty-three, three hundred and fifty-four, three hundred and fifty-five, three hundred and seventy-eight, four hundred and twenty-two, four hundred and thirty-six, five hundred and seventeen, five hundred and eighteen, five hundred and fifty, six hundred and seventy-nine, seven hundred and thirty-five, and seven hundred and forty-five of the acts of the year nineteen hundred and eleven; chapters two hundred and twenty-nine, two hundred and fifty-two, two hundred and fifty-four, two hundred and sixty-one, two hundred and sixty-five, two hundred and sixty-six, two hundred and seventy-three, two hundred and seventy-four, two hundred and seventy-five, three hundred and seven, three hundred and ninety-eight, four hundred and forty-six, four hundred and seventy-one, four hundred and seventy-three, four hundred and eighty-three, five hundred and fifteen, and six hundred and forty-one of the acts of the year nineteen hundred and twelve; chapters two hundred and eighty-six, four hundred and eight, four hundred and thirty-one, five hundred and sixteen, five hundred and

fifty-nine, and six hundred and eighty-six of the acts of the year nineteen hundred and thirteen, and all other acts and parts of acts inconsistent herewith, are hereby repealed; but such repeal shall not revive any law heretofore repealed or superseded, and nothing in this act shall be construed as repealing existing provisions in city charters relating to city elections, and such provisions shall continue in full force and effect.

How provisions shall be construed, etc. 1913.

SECTION 504. The provisions of this act, so far as they are the same as those of existing statutes, shall be construed as continuations thereof and not as new enactments, and a reference in a statute which has not been repealed to provisions of law which have been revised and re-enacted herein shall be construed as applying to such provisions as so incorporated in this act; they shall not affect any act done, liability incurred, or any right accrued and established or any suit or prosecution, civil or criminal, pending or to be instituted, to enforce any right or penalty or to punish any offence under the authority of existing laws, but the proceedings in such cases shall conform to the provisions of this act. [*Approved June 20, 1913.*

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